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**1999**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 14 — April 2, 1999

Pages 3,893 – 4,124

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published by  
**Jesse White**  
Secretary of State



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April 2, 1999    Volume 23, Issue 14

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
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Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Related Program Provisions2) Code Citation: 89 Ill. Adm. Code 1173) Section Numbers: 117.92  
Proposed Action:  
New Section4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].5) A Complete Description of the Subjects and Issues involved:

This amendment allows the Department to implement an electronic finger imaging program in local offices on a statewide basis. Unless exempt, adults would be required to comply with the electronic finger imaging requirement as a condition of eligibility for the following programs:

- \* Food Stamps;
- \* TANF cash assistance; and
- \* General Assistance programs administered by the Department in the City of Chicago (Transitional Assistance and Family and Children Assistance).

As a result of this amendment, failure or refusal of adults mandated to comply with the electronic finger imaging requirement would cause ineligibility for the entire case or Food Stamp assistance unit. The assistance unit would, however, remain eligible for medical assistance.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
117.53	Amendment	22 Ill. Reg. 14060

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: NoneC) Types of professional skills necessary for compliance: None13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.The full text of Proposed Amendment begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER vv: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

## MUTUAL COMPANIES

## SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 117

## RELATED PROGRAM PROVISIONS

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117.1	Incorporation By Reference
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117.11	Issuance of Cash Assistance Benefits
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117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
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117.53	Payment to Vendor(s)
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117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

**AUTHORITY:** Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

**SOURCE:** Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 117.92 Electronic Finger Imaging

The Department will operate the electronic finger imaging system on a statewide basis. The system will be used in the administration of the Food Stamp Program and the Temporary Assistance for Needy Families (TANF) program. In addition, in the City of Chicago, the system will be used in the administration of the two General Assistance (GA) programs (the Family and Children Assistance Program and the Transitional Assistance program).

a) Unless exempt, the Department will require the following persons to undergo electronic finger imaging:

- 1) All adult applicants for food stamps, TANF cash assistance, and City of Chicago General Assistance.
- 2) All adult recipients of food stamps, TANF cash assistance, and City of Chicago General Assistance, including:
  - A) second parents; and
  - B) minor grantees for TANF cash cases in which the minor parent is considered an adult; and
  - C) all payees for food stamps, TANF cash assistance, and City of Chicago General Assistance who do not receive cash and/or food stamp benefits in the case (this does not apply to protective payee cases for any category of assistance or representative payee cases for teens (RPT) TANF cash cases).

b) Exemptions From Finger Imaging

- 1) The Department will grant a person with both index fingers broken or bandaged a temporary exemption. To be granted the exemption, the person must provide documentation from a physician that



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

verifies the medical condition. The documentation must state when the person can participate. The length of the exemption shall be based on the physician's statement. When the person's condition improves to the point where he or she can be finger imaged, the Department shall contact the person so that he or she can complete the process.

- 2) A person who is missing both hands or both index fingers will be granted a permanent exemption.

## c) Cooperation With Finger Imaging Requirements

- 1) The failure or refusal of a person who is not medically exempt to comply with finger imaging requirements will result in ineligibility for cash assistance and/or food stamps for the entire Food Stamp, TANF or General Assistance unit.

- 2) In the event of a system failure or prolonged downtime, a person who agrees to be finger imaged shall be considered as having cooperated. The person shall be required to return to the local office, within a specified period of time, to complete the finger imaging process when the system is operational. If the individual does not return, within the specified period of time, he or she will be considered as not cooperating.

- 3) In no instance shall the issuance of benefits be delayed beyond the application time limits as specified in 89 Ill. Adm. Code 110.20 or 89 Ill. Adm. Code 121.2.

- 4) The Department shall provide material to all applicants and recipients that will explain the following information:

- A) the finger imaging process;
- B) the reason for the process;
- C) the confidentiality of the information; and
- D) the fact that cooperation with the finger imaging process is a condition of eligibility.

## d) Intake

The local office will finger image a person when he or she applies for assistance. If the applicant fails or refuses to be finger imaged, the Department shall deny the cash assistance and/or the food stamp portion of his or her application.

## e) Active Cases

The local office will finger image clients as listed in subsections (e)(1) through (4). If the client fails or refuses to be finger imaged, the Department shall discontinue cash and/or food stamp assistance.

- 1) The local office shall send a notice to adults in Food Stamp, TANF, and City of Chicago GA cases scheduled for a face-to-face redetermination advising them of the finger imaging requirement. The notice shall also advise the adult or adults that they will be scheduled for a finger imaging appointment at the completion of their redetermination interview.

- 2) The local office shall make every effort to accommodate clients when they must reschedule their finger imaging appointments.

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## NOTICE OF PROPOSED AMENDMENTS

When a mandated client fails to appear for his or her scheduled appointment and does not call to reschedule, the local office shall send a notice to discontinue cash and/or food stamp assistance to the client for failure to comply with finger imaging requirements.

- 3) The Department's investigators shall advise the local office to take appropriate action to cancel cash assistance and Food Stamps if their investigation validates a match and finds no satisfactory reason for its concerns. Upon receipt of the information from the Department's investigators, the local office shall cancel cash assistance and food stamps.

- 4) Whenever a new adult is added to an active case, or there is a change in the payee, the local office shall inform the person of the finger imaging requirements. The local office shall schedule an appointment for the person to come into the office for finger imaging.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods

2) Code Citation: 17 Ill. Adm. Code 750

3) Section Numbers:  
750.10 Proposed Action:  
750.20 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to reflect the new method of reporting road-killed deer and the new tagging requirements for claiming deer found killed by other methods. There is also no reason to continue to limit possession of deer claimed under this Part to six months.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 750

DISPOSITION OF DEER ACCIDENTALLY KILLED BY A MOTOR VEHICLE  
OR OTHER NON-HUNTING METHODS

## Section

750.10 Legal Possession

750.20 Required Reporting Information

AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10646; amended at 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 750.10 Legal Possession

A whitetail deer that is killed as a result of a collision with a motor vehicle, or killed by other methods, non-hunting methods may be legally possessed by an individual if the following criteria are met:

a) The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing the said deer. If the driver of the motor vehicle does not take possession of the deer before leaving the collision scene want--the-deer, any citizen of the State of Illinois may possess and transport the said deer. All deer possessed as the result of killed-in a vehicle collision must be reported by the person possessing the deer to the Department of Natural Resources' Road Kill Deer Reporting 800 Number (1-800-406-3477) Natural-Resources--Regional Law-Enforcement-Office-by-telephone within 24 hours if the person claims the deer the-collision-occurred Monday through Thursday. Deer claimed killed Friday through Sunday or on holidays must be reported during the next regular workday that-the-Regional-Law-Enforcement Office-is-open. Deer shall not be processed for consumption beyond the removal of the entrails until the report is made and a registration number approval has been obtained. There is no limit to the number of deer that may be possessed.

b) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision, or legally taken by hunting

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

methods law, shall not transport the said deer or deer parts until permission is obtained from a Conservation Police Officer or the Regional Law Enforcement Office. Permission must be obtained within 24 hours. Permission will be granted to transport if it is determined by an investigation that the person requesting possession did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the vehicle-killed deer or deer killed by other methods. The carcass tag requirement shall be waived by the Regional Law Enforcement Office if the individual possessing the deer carcass will process the deer at the individual's residence. is--in--no--way--involved-in-the-deer's illegal-taking

et if two--22--or--more--deer--are--killed--at--one--time--the--driver--is--eligible to--possess--as--many--of--these--deer--as--he--wishes.

dt Possession of vehicle-killed or non-hunting method deer meat--will--be limited-to-6-months-from-date-of--accident.

cl) Inedible parts of vehicle-killed deer or non-hunted deer killed by other methods, other than deer legally taken by hunting methods, shall will not be sold; however, they may be possessed:--When-retained--the head/antler--and--hide--shall--be--properly--tagged--with--an--irremovable--tag obtained--from--the--Regional--Law--Enforcement--Office--the--head/antler and--hide--tags--shall--remain--attached--to--the--head/antler--or--hide--as--long as--the--head/antler--or--hide--remains--in--the--green--state--or--when--in--a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing--the--inedible--parts--of--vehicle-killed--or non-hunted deer not retained by the individual--possessing--the--deer must--be--disposed--of--in--a--lawful--manner--the--carcass--shall--be--properly tagged--with--an--irremovable--tag--obtained--from--the--Regional--Law Enforcement--Office--this--tag--can--be--discarded--only--after--the--deer--has been--processed--prepared--for--consumption--and--is--at--the--legal residence--of--the--person--who--legally--took--possession--of--the vehicle-killed--or--non-hunted deer--The carcass tag requirement--shall be--waived--by--the--Regional--Law--Enforcement--Office--when--the--individual possessing--the--deer--will--be--keeping--only--the--meat--and--the--deer--carcass will--be--processed--at--their--residence.

dl) The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed deer or non-hunted deer killed by other methods. This, however, does not relieve involved parties from reporting other liabilities to appropriate



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

agencies as required.

e) Except for any Law Enforcement Officers or authorized employees as defined in Section 1.2b of the Wildlife Code [520 ILCS 5/1.2b] ~~that~~ ~~Rev.---Stat.---1989, ch.---617, par. 1-2b-7, in performance of their duties, it shall be illegal to kill with either a gun or bow and arrow, a deer crippled by a collision with a motor vehicle, or injured by any other method non-hunting method.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.20 Required Reporting Information

Individuals reporting possession of a deer killed in a vehicle collision or deer killed by other non-hunting methods to a Regional Office will provide the following information:

- a) Name, and address, and telephone number of individual possessing deer;
- b) Vehicle license number of auto colliding with deer, or cause of death;
- b1) Sex of deer and approximate weight;
- d) Number of fetuses from female deer, if any;
- c1) Location of kill, time and date when deer was picked up.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Dog Training on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 950
- 3) Section Numbers: Proposed Action:  
950.40 Amendments  
950.50 Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Section 950.40 is being amended to add language indicating that dog training on Department sites is authorized only in designated areas; add language indicating only handguns and shotguns with blank cartridges shall be used on DNR sites except shotguns with shot shells may be used for shoot-to-retrieve training; add language indicating shot shells that shall be used for shoot-to-retrieve dog training; add language regarding requirements that individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange and that they are required to wear a back patch issued at the site headquarters; and update sites where dog training is available. Section 950.50 is being repealed because Section 950.40 is being amended to include these regulations.
- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:  
  
Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT(S)

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT(S)

## TITLE 17: CONSERVATION

## CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 950

## DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

## Section

950.10 Statewide Regulations

950.20 Definitions

950.30 Permit Requirements

950.40 Dog Training Seasons and Regulations

950.50 Dog Training Regulations (Repealed)

950.60 Penalties, Future Rights/Appeal Procedures

**AUTHORITY:** Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

**SOURCE:** Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 950.40 Dog Training Seasons and Regulations**

a) Dog training is prohibited on Department sites except in designated areas.

b)a) The use of horses for dog training purposes is prohibited except at the sites designated by (1).

c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the site(s) designated by (2).

1) Only shot shells with a shot size of No. 6 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for shoot-to-retrieve dog training.

2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.

3) Individuals participating in shoot-to-retrieve dog training are required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.



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d) Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park ( January 1 - March 31, except north of Allen Branch open per statewide regulations)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park

Iroquois County Wildlife Management Area

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and Middlefork Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

Rattapititer-State-Park

Rock-Cut-State-Park

Saline County Conservation Area

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Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

e) Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

Des Plaines Conservation State-Fish-and-Wildlife Area (closed during site's upland game season) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Randolph County Conservation Area

Rock Cut State Park

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 950.50 Dog Training Regulations [Repealed]

it-shall-be-unlawful:

- a) to-train-dogs-on-Department-property-except-in-designated-areas;
- b) to-have-any-firearm-in-possession-except-that-pistols-and-shotguns with-blank-cartridges-may-be-used.

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## DEPARTMENT OF NATURAL RESOURCES

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1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program

2) Code Citation: 17 Ill. Adm. Code 3025

3) Section Numbers: Proposed Action:  
3025.30 Amendments  
3025.50 Amendments  
3025.70 Amendments

4) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

5) A. Complete Description of the Subjects and Issues Involved: The proposed amendments to this rule are necessary to reflect new operating procedures of the program and for clarification purposes. Grant funding will no longer be limited on individual projects but allocated solely on the basis of merit and greatest benefit to the State, and required billing documentation for development projects is being streamlined as a result of existing State audit requirements.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

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B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER g: GRANTS

PART 3025  
OPEN SPACE LANDS ACQUISITION  
AND DEVELOPMENT GRANT PROGRAM

Section	Program Objective
3025.10	Incorporation by Reference (Repealed)
3025.20	Eligibility Requirements
3025.25	Assistance Formula
3025.30	General Procedures for Grant Applications and Awards
3025.40	Eligible Project Costs
3025.50	Project Evaluation Priorities
3025.60	Program Compliance Requirements
3025.70	Program Information/Contact
3025.80	3025.APPENDIX A Project Evaluation Criteria

**AUTHORITY:** Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

**SOURCE:** Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective August 3, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 3025.30 Assistance Formula**

The OSLAD program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. ~~Maximum grant--awards--shall--be--limited--to--\$200,000--per--annual--request--for--development projects--and--\$400,000--for--acquisition--projects.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3025.50 Eligible Project Costs**

a) Grant assistance may be obtained for the following items:

- 1) Land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes, including associated eligible appraisal costs. Eligible projects include, but are not limited to, acquisition of land for the following:



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- A) general park purposes such as community and neighborhood parks and playfields;  
 B) frontage on public surface waters for recreation use;  
 C) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features; and  
 D) additions to such areas.

2) Outdoor recreation area development costs (initial facility construction and/or rehabilitation) including, but not necessarily limited to, playfields, playgrounds, playequipment, picnic facilities, trails, camping areas, outdoor water sport facilities, nature study areas, and winter sport facilities as well as associated support facilities such as parking areas, access roads, shelters, interpretive centers, restrooms, safety lighting, potable water supply and other directly related support facilities. Professional design services deemed necessary for proper design and construction of the project are also eligible.

b) Acquisition of land from another public agency (excluding school districts) is not eligible for OSRAD grant assistance.

c) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into prior to Department approval unless done in accordance with State statute. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.

d) No grant awards shall be awarded for the acquisition or development of land that will not be available for general public outdoor recreation use.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3025.70 Program Compliance Requirements

a) Any property acquired or developed through assistance from the Illinois OSRAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged

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to residents. Land acquired with funding assistance from the OSRAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSRAD funds expended on the project:

Total Grant Expenditure	Time Period after Final Grant Payment
\$0 - \$50,000	5 years
for every \$10,000 increment over \$50,000	add 1 year

Property acquired or developed with OSRAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.

c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the permanent easement-to the property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), or an approved lease arrangement--of-at-least-20-years unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable State and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.

d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount

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and program compliance regulations.

e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgment Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled check(s) showing proof of payment to seller.

2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), ~~copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.~~

f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.

g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.

h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.

i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.

k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permit(s) may jeopardize approved grant funding.

l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:

1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.

2) The Department shall have access to OSLAD-assisted facilities at

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all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.

3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

m) Conflict of Interests

1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision. The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

1) the illegality of sexual harassment;

2) the definition of sexual harassment under State law;

3) a description of sexual harassment utilizing examples;

4) the contractor's internal complaint process, including penalties;

5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human



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Rights Commission and directions on how to contact both; and  
6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

p) Program Violations and Project Termination

1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: 810.90  
Proposed Action: Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35, and 25-5]

5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to special exemptions to the site specific regulations for daily creel and size limits for national catch and release tournaments and special catch and release tournaments.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

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B) Reporting, bookkeeping or other necessary for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 810

## SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

## Section

810.10 Sale of Fish and Fishing Seasons

810.20 Snagging

810.30 Pole and Line Fishing Only (Repealed)

810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

810.37 Definitions for Site Specific Sportfishing Regulations

810.40 Daily Catch and Size Limits (Repealed)

810.45 Site Specific Water Area Regulations

810.50 Bait Fishing

810.60 Bullfrogs (Repealed)

810.70 Free Fishing Days

810.80 Emergency Protective Regulations

810.90 Fishing Tournament Permit

810.100 Bed Protection

**AUTHORITY:** Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

**SOURCE:** Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,



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effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. 3434, effective March 8, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 810.90 Fishing Tournament Permit

- a) A fishing tournament permit from the Department of Natural Resources is needed if:
- 1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
  - 2) The fishing event is conducted over a period of more than 5 days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
  - 3) Special exemption to the site specific regulations for daily creel and size limit (not exceed the statewide statutory limits) is requested for:
    - A) catch, hold for weigh-in, and release tournaments for muskies (all waters); ~~7-or-smallmouth-bass-(Lake-Michigan and-streams---except-that-the-Mississippi-Ohio--and--Wabash Rivers---are---not---eligible---for---permits---which-exempt~~

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- ~~Participants--from--site--specific--daily--catch--and---size limits--and~~
- B) ~~black bass catch and release tournaments (Lake Michigan and streams except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits);~~
  - C) ~~special catch and release tournaments for which the proceeds go towards youth education and/or charity type projects;~~
  - D) ~~national catch and release tournaments; and~~
  - E) ~~B) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.~~
- b) Requests for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.
- c) Issuance or denial of a permit shall be based upon the following criteria:
- 1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.
  - 2) The location of the tournament; catch and release management zones on streams are not eligible for permits.
  - 3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.
  - 4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:
    - A) biological status of the fish population, including the species sought;
    - B) length of the tournament;
    - C) number of boats and anglers participating in the tournament;
    - D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species; and
    - E) safety of anglers and potential boater-user conflicts.
  - 5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:
    - A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.
    - B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.
    - C) If a common release boat or vehicle is utilized, the anglers

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transporting the fish to be released are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

- A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.
- B) Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

d) Failure to acquire a permit as referenced in subsection (a) above is a petty offense and will result in denial of future applications for a Fishing Tournament Permit by that applicant, sponsor or group for a period up to 5 years.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Drinking Water Systems Code
- 2) Code Citation: 77 Ill. Adm. Code 900
- 3) Section Numbers: Proposed Action:  
900.45 New
- 4) Statutory Authority: Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds a new Section that will require all non-transient, non-community public water systems to be operated by personnel who have attended training approved by the Department and received certification from the Department after successful completion of the training. Certified operators will be required to be recertified every three years by attending a training session approved by the Department that addresses new technology and any changes to the Department's drinking water regulations.  
  
The rulemaking also requires all new non-transient, non-community public water systems to provide the Department assurances that they have the capability of meeting all USEPA drinking water standards and that the system is able to produce an adequate quantity and quality of water to serve the needs of its users. Such assurances must be provided before a permit to construct a system will be issued by the Department.  
  
The Department conducts this program jointly with IEPA. The Department regulates non-community public water systems and IEPA regulates community public water systems. The two agencies share in the federal grant to conduct the program. Both agencies must adopt new USEPA regulations in order to continue to receive primacy and to receive the federal grant. The amendments proposed are required to be adopted and enforced by all states as part of the USEPA drinking water program.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not require additional expenditure on the part of any unit of local government.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

**Rulemaking:** Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217)782-2043  
(e-mail: gdevito@idph.state.il.us)

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Small businesses with 25 or more employees and schools with 25 or more students who consume the water at least 6 months out of the year.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Owners of all non-transient, non-community public water systems must employ an operator who has received certification from the Department indicating they have received training approved by the Department. All such supplies must provide the Department proof of this certification and training. The Department must issue a permit to construct all non-transient, non-community public water systems. Prior to issuance, the supply owner must provide assurances to the Department that they can meet current and new USEPA drinking water regulations and that the supply can produce the water needed to serve the needs of its users.

C) Types of Professional Skills Necessary for Compliance: The water supply must employ an individual to operate its non-transient, non-community public water system who has an understanding of the operation of a small water supply and has attended training approved by the Department.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: To incorporate the most current USEPA drinking water regulations. The USEPA requires that all states adopt its regulations in order to continue to receive primacy and to receive the federal grant to conduct this program. In addition, new USEPA regulations are becoming more complex and difficult to understand. By attending this training, operators can better understand how to comply with these new regulations and will thereby be able to better meet these new standards. These new standards provide a higher degree of protection and testing of these supplies than has ever been required in the past.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

The full text of the proposed amendments begin on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: WATER AND SEWAGE

PART 900  
DRINKING WATER SYSTEMS CODE

Section	Non-Community	Public	Water	System	Operator
900.10	Definitions				
900.15	Incorporated and Referenced Materials				
900.20	General Requirements				
900.30	Special Requirements				
900.40	Water System Design				
900.45	Non-Transient, Certification				

900.50	Inorganic Chemicals (Repealed)				
900.60	Turbidity (Repealed)				
900.65	Organic Chemicals (Repealed)				
900.70	Microbiological (Repealed)				
900.80	Public Notification (Repealed)				
900.90	Record Maintenance and Reporting (Repealed)				
900.100	Variances and Exemptions (Repealed)				
TABLE A	Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities				
TABLE B	Design Capacity for a Non/Community Public Water System				
TABLE C	Pressure Factors				
TABLE D	Coliform Sampling Frequency According to Population Served (Repealed)				
TABLE E	Lead and Copper Sampling Frequency-Requirements for First Year of Sampling (Repealed)				
TABLE F	Lead and Copper Sampling Frequency-Requirements After First Year of Sampling (Repealed)				
TABLE G	Water Quality Sampling Requirements (Repealed)				
TABLE H	Water Quality Sampling Requirements-Reduced Sampling (Repealed)				
TABLE I	Table of Factors to be Used in Saturation Index Calculations (Repealed)				
EXHIBIT A	Values of A Based Upon Total Solids (Repealed)				
EXHIBIT B	Values of B Based Upon Water Temperature (Repealed)				
EXHIBIT C	Values of C Based Upon Calcium Hardness Expressed as CaCO3 (Repealed)				
EXHIBIT D	Values of D Based Upon Alkalinity Expressed as CaCO3 (Repealed)				

**AUTHORITY:** Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9].

**SOURCE:** Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 12578, effective August 1, 1989; amended at 14 Ill. Reg. 14844, effective September 1, 1990; amended at 17 Ill. Reg. 4388, effective March 23, 1993; amended at 19 Ill. Reg. 7217, effective May 31, 1995; emergency amendment at 20 Ill. Reg. 3968, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9997, effective July 22, 1996; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** In this Part, unless the content clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript numbers are denoted by brackets.

**Section 900.45 Non-Transient, Non-Community Public Water System Operator Certification**

- a) All non-transient, non-community public water systems shall be directly supervised and operated by personnel who:
- 1) are currently the operator in responsible charge of the non-transient, non-community public water system and whose identity has been submitted to the Department by the non-transient, non-community public water supply system by January 1, 2000; or
  - 2) have been certified by the Department; or
  - 3) have been certified as a public water supply operator by the Illinois Environmental Protection Agency.
- b) Operator Certification.

- 1) All operators must be certified by January 1, 2003. In order to be certified by the Department, an operator must provide evidence of successful completion of a water operator's course that has been approved by the Department. Successful completion shall mean passing a written examination given at the end of the training. Evidence of completion shall be a letter from the school or approved training organization conducting the course. Upon receipt of this documentation, the Department will provide a certificate to the operator.

- 2) All courses and training organizations must be approved by the Department. The course must consist of at least 12 hours of classroom instruction addressing disinfection and measurement of disinfectant residual, treatment, sample collection, water wells, Department regulations and small water system operation. The examination administered at the conclusion of the training course will be based on job performance.

- 3) Operator training courses must be updated and approved annually by the Department to ensure that all current regulations are covered in the training course.

- 4) Applicants for the training course must provide to the training organization evidence of having a high school diploma or the equivalent, or must be currently employed by a non-transient, non-community public water system.



## DEPARTMENT OF PUBLIC HEALTH

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- 5) Certified operators shall be recertified every three years. In order to be recertified, the operator shall attend a recertification training session approved by the Department and provide proof of attendance from the organization conducting the course. The recertification training shall provide information on new USEPA drinking water regulations, new technology, and water treatment topics that will aid the operator in the operation of the supply.
- 6) All non-transient, non-community public water systems shall provide the Department with the name, address and phone numbers of the certified individual operating the supply. The Department shall be notified in writing within 30 days after a different person becomes responsible for operation of the supply. This information shall be supplied on forms provided by the Department.
- c) Financial, Managerial, and Technical Requirements for Non-Transient, Non-Community Public Water Supply Systems. All applications for a permit to construct a non-transient, non-community public water system that will initiate operation after September 20, 1999 shall contain information relative to its financial, managerial and technical capability to meet all primary drinking water requirements contained in this Part. Applications shall be on forms provided by the Department and shall include the following:
- 1) Details of well construction and location, water consumption, pumping capacity, location and type of any known potential source or route of contamination, and the types of chemicals stored or used within a 1000 foot radius of the well or surface supply intake. The system shall document the steps to be taken to protect the water supply from contamination.
  - 2) Name, address and phone number of the owner of, and of the individual responsible for the operation and sampling of, the water supply, and, after January 1, 2002, documentation showing that the operator is certified by the Department. If, at the time of application, a certified operator is not available, the owner must provide the name, address, and phone number of the individual who will be seeking certification.
  - 3) A contingency plan. The contingency plan shall indicate the name of the alternate water supply and describe the method for transporting water. The alternate supply shall meet all drinking water quality standards and treatment techniques contained in this Part. The plan shall describe how water from an alternate water supply will be provided if any of the following conditions occur:
    - A) water service is interrupted due to broken pipes, pump failure or lack of water from the well or surface supply;
    - B) water quality fails to meet any drinking water maximum contaminant level or treatment technique in this Part.
  - 4) Information indicating that the facility is aware of monitoring

## DEPARTMENT OF PUBLIC HEALTH

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- requirements and has financial capability to maintain cost of monitoring and system maintenance.
- 5) The name and certification number of the laboratory that will be used for required chemical analyses, along with an estimate of the cost of performing these analyses.
- d) Causes of Suspension or Revocation of Operator Certification. The Department may suspend, revoke, or refuse to issue a certification to a water supply operator for any one of the following:
- 1) The practice of fraud or deceit in obtaining or attempting to obtain a certification;
  - 2) Gross negligence, or incompetency, or misconduct in the operation of a water supply;
  - 3) Falsification or willful failure to maintain or willful failure to submit records and reports required by this Part;
  - 4) Failure to comply with any of the rules pertaining to the operation of a water supply contained in this Part.
- e) Suspension or Revocation of Operator Certification or Denial of an Application for Operator Certification. The Department shall, in any proceeding to suspend, revoke or refuse to issue a certification, first serve on the certified operator or applicant a written notice specifying the manner in which the operator or applicant has failed to comply with this Part and the Act. Such person shall be granted the right to a hearing before the Department and will receive a Notice of Opportunity for an Administrative Hearing. To be eligible for a hearing, the certified operator or applicant shall submit a written request for a hearing to the Department within 10 days after receipt of the Notice of Opportunity for an Administrative Hearing from the Department. Failure to submit a written request for a hearing will constitute a waiver of the person's right to an administrative hearing. All hearings shall be conducted in accordance with the Department's "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers: Proposed Action:  
3040.470 New Section
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds a new component to the literacy grant program to improve children's chances for success.
- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The Illinois State Library is working through various grant programs to reduce the illiteracy rate in Illinois by providing instruction to adults and children most in need of improved literacy skills.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be mailed, faxed, or sent electronically within 45 days after publication of these proposed amendments in the *Illinois Register* to:

Ms. Kathleen L. Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield IL 62701-1796  
217/785-0052  
217/782-8261 FAX  
kbloom@library.sos.state.il.us INTERNET

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Allows eligible organizations to apply for grants from the Illinois State Library.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rules for the grant program were filed as emergency rules since the funding was not available until after January 1, 1999. The new administration needed to approve the program before submitting the administrative rules. It was not feasible, with only 6 months available for use of the funds, to go through the regular rulemaking process.

The text of the Proposed Amendment is identical to that of the Emergency Amendment that appears on page in this issue of the *Illinois Register*.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Inspection Procedures for Special Education School Buses

2) Code Citation: 92 Ill. Adm. Code 445

3) Section Numbers: Proposed Action:  
445.Appendix B Amend

4) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department proposes to insert a provision that was inadvertently omitted from agreements made with the Joint Committee on Administrative Rules in August 1998 when the Part was last amended. The Department is inserting a provision at Section 445.Appendix B(d) that states that in buses manufactured prior to April 1, 1977, seat belts are optional.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This Part will affect units of local government that operate Illinois Official Testing Stations authorized to inspect school buses.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217)785-1181

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This Part affects small businesses that own or operate special education school buses. It will also affect small businesses that operate Illinois Official Testing Stations authorized to inspect buses.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The inadvertent error was not anticipated.

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 445

## INSPECTION PROCEDURES FOR SPECIAL EDUCATION SCHOOL BUSES

## Section

445.10 Purpose and Scope

445.20 Application

445.25 Incorporation by Reference of Federal Regulations

445.30 Standards of Construction

445.40 Definitions

## APPENDIX A

Procedures for Type I Special Education School Buses

## APPENDIX B

Procedures for Type II Special Education School Buses

**AUTHORITY:** Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

**SOURCE:** Adopted at 19 Ill. Reg. 4503, effective March 13, 1995; amended at 22 Ill. Reg. 16327, effective August 25, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## Section 445.APPENDIX B Procedures for Type II Special Education School Buses

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

## a) Grab Handles

PROCEDURES/SPECIFICATIONS:

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

Grab handles are not securely attached, do not meet requirements or are missing.

## b) Lifts and Ramps

PROCEDURES/SPECIFICATIONS:

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

REJECT VEHICLE IF:

Lifts and ramps do not operate properly or do not meet requirements.

## 1) Power Lift

PROCEDURES/SPECIFICATIONS:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed that will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

REJECT VEHICLE IF:

Power lift does not operate properly or does not meet requirements.

## 2) Ramp

PROCEDURES/SPECIFICATIONS:

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

REJECT VEHICLE IF:

- e) Special  
Light

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Ramp does not operate properly or does not meet requirements.

- c) Over Center  
Door  
Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly, does not meet requirements or is missing when required.

- d) Seat Safety  
Belts

PROCEDURES/SPECIFICATIONS:

In buses manufactured on or after April 1, 1977, seat safety belts are required at each designated seating position and must meet all applicable requirements of 49 CFR 571.222.

Each seat safety belt must be readily available for quick and easy use. They must not show excessive wear and the buckle must function properly. If retractors are installed, they must be the automatic locking type.

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by students' aides and must be equipped with seat safety belts at each seating location used by an aide. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

In buses manufactured prior to April 1, 1977, seat belts are optional.

REJECT VEHICLE IF:

Seat safety belts do not meet requirements.

Barrier is not present in front of aide's seat and no seat safety belt is provided. No letter of exception provided.

PROCEDURES/SPECIFICATIONS:

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Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

REJECT VEHICLE IF:

Special light does not operate properly, does not meet requirements or is missing.

f) Special  
Service  
Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

Bi-parting doors (if installed) must meet the following requirements:

## DEPARTMENT OF TRANSPORTATION

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Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly. Does not meet requirements. Audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly or do not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

g) Wheelchair  
Occupant  
Restraints

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, 1994, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

- A) Not less than one anchorage for the upper end of the upper torso restraint;
- B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint; and



## DEPARTMENT OF TRANSPORTATION

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- C) Wheelchair occupant pelvic and upper torso restraints. (49 CFR 571.222)

REJECT VEHICLE IF:

Wheelchair occupant restraints do not meet requirements.

h) Wheelchair  
Securement  
Anchorage

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with forward-facing wheelchair securement anchorages. Additional securement anchorages that allow other than forward-facing orientation can be added to a wheelchair location provided the forward-facing anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (49 CFR 571.222)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (49 CFR 571.222)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages do not securely hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

- 1) Each wheelchair location is not equipped with forward-facing wheelchair securement anchorages. Additional anchorages do not meet same standards as existing anchorages.
- 2) Wheelchair securement anchorages do not meet requirements.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

A. L. Zimmer, General Counsel  
State Board of Elections  
James R. Thompson Center  
100 W. Randolph Street, Suite 14-100  
Chicago, IL 60601  
312/814-6440

The full text of the adopted amendments begins on the next page:

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Approval of Voting Systems

- 2) Code Citation: 26 Ill. Adm. Code 204

- 3) Section Number:  
204.40 Adopted Action:  
204.120 Amend  
Amend

- 4) Statutory Authority: Implements Articles 24A and 24B, and authorized by Sections 1A-8(9), 24A-17 and 24B-17 of the Election Code [10 ILCS 5]

- 5) Effective Date of amendments: March 19, 1999

- 6) Do these adopted amendments contain an automatic repeal date? No

- 7) Do these adopted amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of proposal published in Illinois Register: May 8, 1998; 22 Illinois Register 7853

- 10) Has JCAR issued a statement of objection to these amendments? No

- 11) Differences between proposal and final versions: No substantive changes have been made. Technical and editorial changes suggested by the Joint Committee on Administrative Rules have been adopted

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. Except for technical matters, none were required.

- 13) Will these rules replace an emergency rule currently in effect? No

- 14) Are there any rules pending on this Part? Yes

- 15) Summary and purpose of these amendments:

204.40 - Requires that vendors and users of electronic voting systems certify that the systems they sell or use will count votes correctly after January 1, 2000.

204.120 - Allows the State Board of Elections to begin decertification of electronic voting systems that have not been certified in apt time to be Y2K compliant.



## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 26: ELECTIONS

## CHAPTER 1: STATE BOARD OF ELECTIONS

## PART 204

## APPROVAL OF VOTING SYSTEMS

## Section

- 204.10 General Provisions
- 204.20 Definitions
- 204.30 Jurisdiction Profile
- 204.40 Criteria for Approval of Voting Systems
- 204.50 Application for Approval of Voting Systems
- 204.60 Preliminary Determination and Review of the Proposed Voting Systems
- 204.70 Full Review Procedures
- 204.80 Hearing to Consider Staff Review Report
- 204.90 Interim Approval of Voting Systems
- 204.100 Final Approval of Voting Systems
- 204.110 Refusal to Grant Approval of Voting Systems
- 204.120 Withdrawal of Approval of Voting Systems
- 204.130 Subsequent Modification of Voting Systems
- 204.140 Monitoring of Voting Systems
- 204.150 Voting Systems in Use on the Effective Date of These Rules
- 204.160 Emergency Approval of a Voting System
- 204.170 Jurisdiction of Election Authority over Voting System's Personnel
- 204.180 Number of Voting Booths

**AUTHORITY:** Implementing Articles 24A and 24B and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/Arts. 24A and 24B and 1A-8(9)].

**SOURCE:** Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7216; amended at 9 Ill. Reg. 10733, effective July 1, 1985; amended at 11 Ill. Reg. 18655, effective October 30, 1987; amended at 15 Ill. Reg. 18144, effective December 4, 1991; amended at 23 Ill. Reg. ~~3042~~ **MAR 19 1999**, effective ~~3042~~ **MAR 19 1999**.

## Section 204.40 Criteria for Approval of Voting Systems

- a) A full review of voting system shall be conducted to ensure that no voting system shall be approved unless it fulfills the following requirements as set forth in Section 24A-16 of the Election Code:
- 1) It enables a voter to vote in absolute secrecy;
  - 2) It enables a voter to vote a straight party ticket;
  - 3) It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates and in part of candidates whose names are written in by the voter;
  - 4) It enables a voter to vote a written or printed ticket of his own selection for any person for any office for whom he may desire to

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## vote;

- 5) It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast;
- 6) It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no such form is provided, then in brief form, not to exceed 75 words;
- 7) Not later than July 1, 1999, it will be modified if necessary so that it will not fail to operate and will operate correctly on and after January 1, 2000.

- b) Any review of a voting system shall consist of an evaluation of the characteristics of the system in order to determine what set of characteristics are needed to enable the system to fulfill the requirements set forth in subsection (a) above, such as:

- 1) Physical characteristics, including design, engineering, materials and ability to communicate;
- 2) Software performance, including, to the maximum extent possible, a review of application programs, audit trails of overvotes and undervotes, duplicate programs, object code, source code, support software, data integrity, media security, and multi-programming;
- 3) Ballot and voting characteristics such as the capacity of the ballot to contain multiple configurations;
- 4) Ballot processing characteristics, including the preparation, accurate tabulation for both primary and general election ballots and transportation of ballots;
- 5) Function and service characteristics, including the interaction and relationship, if any, of non-election related system functions with election related functions;
- 6) Human performance standards such as extent of training and degree of manual dexterity needed;
- 7) Management standards, including setup, maintenance and security procedures.

(Source: Amended at 23 Ill. Reg. ~~3042~~ **MAR 19 1999**, effective ~~3042~~ **MAR 19 1999**)

## Section 204.120 Withdrawal of Approval of Voting Systems

- a) If, at any time subsequent to the Board's approval or interim approval of a voting system, the Board determines that the approved voting system fails to fulfill the criteria prescribed in Section 204.40 of this Part, the Board shall notify any users or vendors of that particular voting system that the Board's approval of that system is to be withdrawn. Such notice shall be in writing, shall specify the reasons why approval of the system is being withdrawn, and shall specify the date on which the withdrawal is to become effective.
- b) Any vendor or user of such voting system may request, in writing, that the Board reconsider its decision to withdraw approval of the voting

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

system. Upon receipt of such a request, the Board shall hold a public hearing for the purpose of reconsidering the decision to withdraw approval and any interested person shall be given an opportunity to make a presentation either in support of or in opposition to the Board's decision.

- c) The Board shall, on the basis of the record before it, either affirm or reverse its decision to withdraw approval. In the alternative, the Board may also order that the voting system be given further review by the Board's staff in accordance with this Part and also, if appropriate, order that the voting system be subject to interim approval as determined by the Board.

- d) Prior to July 1, 1999, vendors or users shall provide the Board with a certificate that each electronic voting system which it then supplies for use in Illinois meets the requirements of Section 204.40(a) of this Part. After July 1, 1999, the Board will send the notice specified by subsection (a) of this Section to vendors and users of all electronic voting systems for which such a certificate has not been received by July 1, 1999.

(Source: Amended at 23 Ill. Reg. 9943, effective MAR 19 1999)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Registration of Voters
- 2) Code Citation: 26 Ill. Adm. Code 216
- 3) Section Number: Adopted Action:  
216.40 Amend
- 4) Statutory Authority: Implements the National Voter Registration Act of 1993 (42 USC Section 1973 gg., et seq.) made applicable to all elections in Illinois by order of the Circuit Court of Cook County in *Orf, et al. v. Edgar, et al.*, Nos. 95-CO-246 and 95-CO-248 (Consolidated) and authorized by Article 1, Section 4 of the United States Constitution and by Sections 1A-8(4), (9) and (12) of the Illinois Election Code [10 ILCS 5/1A-8(4), (9) and (12)].
- 5) Effective Date of Amendments: March 19, 1999
- 6) Do these adopted amendments contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: May 8, 1998, 22 Illinois Register 7866
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences between proposal and final versions: No substantive changes have been made. Technical and editorial changes suggested by the Joint Committee on Administrative Rules have been adopted
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. Except for technical matters, none were required.
- 13) Will these amendments replace an emergency rule currently in effect: No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of these amendments: The rule is intended to insure that vote eligibility records are maintained only on electronic equipment that will operate without error induced by the advent of the year 2000.
- 16) Information and questions regarding these adopted amendments shall be



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directed to:

A. L. Zimmer, General Counsel  
 State Board of Elections  
 James R. Thompson Center  
 100 W. Randolph Street, Suite 14-100  
 Chicago, IL 60601  
 312/814-6440

The full text of the Adopted Amendments begins on the next page:

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 26: ELECTIONS

## CHAPTER I: STATE BOARD OF ELECTIONS

## PART 216

## REGISTRATION OF VOTERS

Section	
216.10	Applicability
216.20	Definitions
216.30	Receipt of Voter Registration Applications
216.40	Maintaining Voter Records
216.50	Cancelling Voter Registrations
216.60	Forms
216.70	Processing Voter Registration Applications
216.80	Documenting Transactions
216.90	Voting
216.100	Designation of Chief State Election Official
Exhibit A	Voter Registration Application - Illinois
Exhibit B	Voter Registration Information
Exhibit C	Voter Registration Application Transmittal
Exhibit D	Disposition of Registration
Exhibit E	Voter Identification Card
Exhibit F	Confirmation of Address
Exhibit G	Registration Deadline Notice
Exhibit H	Address Correction for Fail Safe Voter

**AUTHORITY:** Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Sections 1A-8(4), (9) and (12) of the Election Code [10 ILCS 5/1A-8(4), (9) and (12)].

**SOURCE:** Adopted by emergency rule at 21 Ill. Reg. 14247, effective October 22, 1996, for a maximum of 150 days; emergency expired March 21, 1997; adopted at 21 Ill. Reg. 4610, effective March 31, 1997; amended at 23 Ill. Reg. 9948, effective MAR 19 1999.

**Section 216.40 Maintaining Voter Records**

- a) This Section implements Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg-5 and gg-6) and the order of the Circuit Court of Cook County entered May 1, 1996 in Or et al. v. Edgar, et al., 95-CO-246 and 95-CO-248 (Consolidated).
- b) Each election authority shall enter any Voter Registration Application it acknowledges into its master file of registered voters.
- c) Each election authority shall make a copy of each Voter Registration Application it acknowledges and place such copy in the precinct binder of the precinct in which the applicant resides, or, where voter registration data is kept by signature digitization systems, enter such data into the signature digitization system.

## STATE BOARD OF ELECTIONS

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- d) At each election it conducts, each election authority shall send to each precinct polling place in its jurisdiction the precinct binder for that precinct or such list of eligible voters prepared by a signature digitization system as may be allowed by statute and rule of the State Board of Elections.
- e) Beginning January 1, 1998, each election authority shall, at each election it conducts, prepare for each precinct polling place in its jurisdiction, a list or file of all Voter Registration Applications and Voter Registration Cards that have been transferred to inactive status in that precinct. Such list shall either, in the discretion of the election authority, include or be entirely composed of a computer-generated list of the electronically stored Voter Registration Applications and Voter Registration Cards of that precinct. The information to be included in the computer stored data shall be the name, address, date of birth, last four digits of the social security number and a computer-generated duplicate of the signature of the applicant. Such list, to the extent that it is not composed of a list generated from electronically stored data, shall consist of copies of Voter Registration Applications and duplicate Voter Registration Cards.
- f) Each election authority shall keep all records concerning the implementation of programs and activities conducted to maintain the accuracy and currency of voter registration files for at least two years. Such records shall be made available to the public for inspection and where facilities permit, copies shall be provided at reasonable cost. However, nothing in this Section or any other to the contrary withstanding, information that relates to a voter's declaration to register or identifies the agency through which a voter registered shall remain confidential.
- g) Election authorities shall maintain a list of all voters to whom a forwardable confirmation of address notice has been sent. Such list shall note whether the voter has responded to the notice. The list shall be made available to the public and be current as of the date the request for public inspection is made.
- h) Not earlier than February 1 and not later than March 1 of each odd-numbered year, each election authority shall report to the State Board of Elections the number of forwardable confirmation of address notices mailed and the number of responses received between the two previous federal elections.
- i) After April 1, 1999 no election authority shall employ any electronic data storage or processing system for registration records which will not operate correctly after January 1, 2000.

(Source: Amended 23 Ill. Reg. 3948 effective  
MAR 19 1995)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: National Affordable Housing Act (HOME) Program
- 2) Code Citation: 47 Ill. Adm. Code 371
- 3) Section Numbers: Adopted Action:  
371.30 New  
371.40 New  
371.50 New
- 4) Statutory Authority: Implemented and authorized by the Illinois Housing Development Act [20 ILCS 3805].
- 5) Effective Date of Rulemaking: March 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Published on December 11, 1998, 22 Ill. Reg 21221.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Pursuant to First Notice and Second Notice Changes from JCAR, the Authority made a series of technical and grammatical nonsubstantive corrections throughout the rulemaking. Also, in Section 371.30 entitled "Definitions", under the subheading "Project", the following substantive changes were made:  
  
In the first line, deleted "A" and "an entire" and added "sites together with any" after "or".  
  
In second and third lines, deleted "or two or more buildings, together with the site or sites on which the building or buildings is located," and replaced it with "or buildings located on the site(s)".  
  
In the fourth line, deleted "under a commitment by the Recipient,".  
  
In the sixth line, deleted "If there is more than one site associated with a Project, the sites must be within a four block area." and replaced it with "For tenant-based rental assistance, Project means assistance to one or more families."
- 12) Have all the changes agreed upon by the agency and JCAR been made as



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amending rules to provide a section requiring notice of its receipt of applications to the appropriate local officials prior to its presentation of such applications to the Members of the Board for funding under the HOME Program.

16) Information and questions regarding these adopted amendments shall be directed to: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Name: Crystal S. Maher, Esq.  
Address: 401 N. Michigan Ave., Suite 900  
Chicago, Illinois 60611  
Telephone: 312/836-5333

The full text of the Adopted Amendment begins on the next page:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 371

NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM

## Section

371.10 Statement of Authority

371.20 Incorporation By Reference

371.30 Definitions

371.40 Notification by Authority

371.50 Comments and Responses

AUTHORITY: Implements Title II of the National Affordable Housing Act of 1990, 42 USC 12701 et seq., as amended, and the regulations promulgated thereunder, 24 CFR Part 92; authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25].

SOURCE: New Part adopted by emergency rule at 21 Ill. Reg. 5369, effective April 11, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 13346, effective September 17, 1997; amended at 23 Ill. Reg. 3952 effective

MAR 2 1999

## Section 371.30 Definitions

"Applicant": A person or entity applying for an allocation of funds from the Program.

"Authority": The Illinois Housing Development Authority.

"Clearinghouse": A State, regional or metropolitan agency designated by the Governor or the Authority, or established by State law, to review and provide notice to appropriate State and local agencies of proposed housing projects.

"Federal HOME Act": Title II of the National Affordable Housing Act of 1990 (P.L. 101-165).

"Governor": The Governor of Illinois.

"Members": The Members of the Authority.

"Part": This Part 371.

"Program": The program established by the State pursuant to the Federal HOME Act and administered by the Authority in accordance with the provisions of this Part through which Federal HOME Program funds allocated to the State will be reallocated to eligible Recipients.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY  
NOTICE OF ADOPTED AMENDMENTS

Section 371.50 Comments and Responses

- a) Comments. The persons and agencies receiving notice pursuant to this Section shall have 30 days from the date of mailing to submit written comments to the Authority and the Applicant.
- b) Applicant's Response. The Applicant shall respond in writing to all other written comments received by the Applicant, and shall provide copies of all comments and responses to the Authority.
- c) Consideration of Comments. The Members shall consider all comments received pursuant to Section 371.40 of this Part when making their determination.

(Source: Added at 23 Ill. Reg. 3956 effective  
MAR 22 1999)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY  
NOTICE OF ADOPTED AMENDMENTS

"Project": Site or sites, together with any building (including a manufactured housing unit), or buildings located on the sites(s) that are under common ownership, management, and financing and are to be assisted with Program funds as a single undertaking under this Part. Project includes all the activities associated with the site and building. For tenant-based rental assistance, Project means assistance to one or more families.

"Recipient": An individual or entity that receives Program funds for or on behalf of a Project from the Authority pursuant to a Commitment.

"State": The State of Illinois.

(Source: Added at 23 Ill. Reg. 3955 effective  
MAR 22 1999)

Section 371.40 Notification by Authority

- a) Notice of Allocation. Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation of Program funds to the following persons and agencies:
  - 1) The chairman of the county board of the county in which the Project is proposed to be located;
  - 2) The mayor or other chief executive of the municipality in which the Project is proposed to be located;
  - 3) In municipalities with a population of more than 1.5 million, the alderman of the ward in which the Project is proposed to be located;
  - 4) Appropriate Clearinghouses;
  - 5) The United States Department of Housing and Urban Development;
  - 6) Rural Housing Service, an agency within the United States Department of Agriculture; and
  - 7) Each member of the General Assembly from the legislative district in which the Project is proposed to be located.
- b) Forms. Notice under this Section shall be made on forms prepared by the Authority.
- c) Contents. The notice shall set forth the name and address of the Applicant; the estimated amount of the proposed allocation; if applicable, the name and address of the proposed Project; the type of any proposed subsidies; the total number of units; and the type of Project (e.g., elderly, family, or handicapped).
- d) If the application does not request Program funds for a specific Project, the notice of allocation will be sent to the appropriate persons and agencies based on the address of the Applicant.

(Source: Added at 23 Ill. Reg. 3952 effective  
MAR 22 1999)



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Advisory Councils2) Code Citation: 89 Ill. Adm. Code 5153) Section Numbers: Adopted Action:

515.100	Amendment
515.110	Amendment
515.120	Amendment
515.130	Amendment
515.140	Amendment
515.150	Amendment
515.400	Amendment
515.410	Amendment
515.420	Amendment
515.440	Amendment
515.610	Amendment
515.620	Amendment
515.640	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23, and 8 of the Civil Administration Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].5) Effective Date of Amendments: March 19, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: October 23, 1998, 22 Ill. Reg. 1915810) Has JCAR Issued a Statement of Objections to these amendments? No11) Difference(s) between proposal and final version: The following changes were made to the text of Part 515 after consultation with JCAR. The specific changes are detailed below:

In Section 515.100, changed the comma after "Administrator" to "(i.e. the" and changed the comma after "Director" to a closing parenthesis.

In Section 515.110(b), changed the comma after "Director" to "of".

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In Section 515.110(e), changed "law" to "statute".

In Section 515.110(h), added a comma after "Governor" and deleted "and".

Also, in Section 515.110(h), changed "Associate Director of DHS-ORS" to "the Vocational Rehabilitation Administrator" and struck the comma. Also, we changed "the" to "them" and deleted "Governor and the Secretary and vocational rehabilitation administrator".

In Section 515.110(i), changed "Associate" to "Vocational Rehabilitation Administrator" and struck "Director of" and deleted "DHS-ORS".

In Section 515.110(j), deleted "(Associate Director of DHS-ORS)".

Struck the following text in Section 515.140(a): "The members first appointed under P.A. 88-10 [20 ILCS 5/6.23] shall be appointed to serve for staggered terms beginning July 1, 1993 as follows: 7 members shall be appointed for terms of 2 years, and 6 members shall be appointed for terms of 1 year. Therefore..."

Also, in Section 515.140(a), struck "appointments shall be for" and added "All member shall be appointed for staggered".

In Section 515.150(b), struck the comma after "family" and added an opening parenthesis before "spouse", and added a closing parenthesis after "household".

In Section 515.400, added a comma after "members".

In Section 515.410(a)(2), deleted "unit of the", changed "responsible for the administration of the vocational" to a hyphen, and deleted "rehabilitation program" and the parenthesis.

In Section 515.410(b) and Section 515.440(h), added "(d)" after "12a" in the cite.

In Section 515.610(a), added a comma after "care".

In Section 515.610(e), deleted "[410 ILCS 515/6(h)]".

In Section 515.610(f), added "[410 ILCS 515/6(h)]" to the end of the sentence.

In Section 515.620, struck "as follows" and added ". The members appointed by the Governor shall include".

In Section 515.620(h), deleted "in addition the Governor shall appoint" and added a comma after "entities" and changed "to the Council as

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*ex-officio members*" to "as ex-officio members to the Council".

In Section 515.620(h)(1), removed text and changed to "1) DHS-ORS:".

In Section 515.620(h)(2), changed "*the Department of Human Services*" to "DHS".

In Section 515.620(h)(9) and Section 515.640(a), added parentheses around "a" in the cite "[410 ILCS 515/6(a)]".

In Section 515.640(a), added a period after "Senate" and struck the period after "[410 ILCS 515/6(a)]".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: The rules for Advisory Councils have been amended to reflect changes in the State statutes. The revisions also reflect the organization of the Department of Human Services.

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515  
ADVISORY COUNCILS

SUBPART A: STATE REHABILITATION SERVICES ADVISORY COUNCIL

Section  
515.100 State Rehabilitation **Services** Advisory Council  
515.110 Powers and Duties  
515.120 Composition  
515.130 Meetings  
515.140 Terms of Membership  
515.150 General Provisions

SUBPART B: CONSUMER ADVISORY COUNCILS

Section  
515.200 Consumer Advisory Councils

SUBPART C: FACILITY ADVISORY COUNCILS

Section  
515.300 Facility Advisory Councils

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section  
515.400 Statewide Independent Living Council  
515.410 Composition  
515.420 Meetings  
515.430 Membership Terms  
515.440 Powers and Duties  
515.450 General Provisions

SUBPART E: BLIND SERVICES PLANNING COUNCIL

Section  
515.500 Blind Services Planning Council

SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

Section  
515.600 Advisory Council on Spinal Cord and Head Injuries  
515.610 Powers and Duties  
515.620 Composition



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515.630 Meetings  
515.640 Membership Terms  
515.650 General Provisions

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendment at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. 11623, effective July 7, 1994; amended at 20 Ill. Reg. 10162, effective July 16, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. ~~3057~~ **3957**, effective **MAR 19 1999**.

## SUBPART A: STATE REHABILITATION SERVICES ADVISORY COUNCIL

## Section 515.100 State Rehabilitation Services Advisory Council

The State Rehabilitation Services Advisory Council (SRAC RSAC) is established for with the purpose of advising the Secretary Director of the Department of Human Services (DHS) and the Vocational Rehabilitation Administrator (i.e., the Office of Rehabilitation Services (DHS-ORS) Associate Director) of provisions of the federal Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 in matters concerning individuals with disabilities and the provision of rehabilitation services [20 ILCS 5/6.23].

(Source: Amended 23 Ill. Reg. ~~3057~~ **3957**, effective **MAR 19 1999**)

## Section 515.110 Powers and Duties

Powers and duties of the Powers-and-duties-of-the SRAC RSAC in respect to the operation of DHS-ORS include:

- To consider and study the subject of rehabilitation ~~to consider-and study-the-subject-of-rehabilitation~~ as it relates to the programs and purpose of DHSORS;
- To recommend to the Associate Director of DHS-ORS, on its own initiative, policies and practices which shall be duly considered; ~~to recommend--to-the-Director-of-DHS-ORS--on-its-own-initiative--policies and-practices-which-shall-be-duly-considered~~;
- To give advice or make recommendations to the Governor and the General Assembly when so requested or on its own initiative; ~~to-give-advice-or~~

## DEPARTMENT OF HUMAN SERVICES

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~~make-recommendations-to-the-Governor-and-the-General-Assembly-when--so requested-or-on-its-own-initiative~~

- To investigate the conduct of the work of DHS-ORS, and for this purpose to have access, at any time, to all books, papers, documents, and records pertaining or belonging to DHS-ORS, and to require written or oral information from any officer or employee of DHS-ORS;
- To adopt bylaws, not inconsistent with statute, for the internal management of the ~~to-adopt-bylaws--not-inconsistent-with-law--for--the internal--management--of-the~~ SRAC RSAC, a copy of which is to be filed with the Associate Director of DHS-ORS; ~~a-copy-of-which-is-to-be-filed with-the-Associate-Director-of-DHS-ORS~~;
- To act by a subcommittee, or by a majority of SRAC ~~to-act--by--a subcommittee--or-by-a-majority-of-RSAC~~, if the bylaws so prescribe if the bylaws so prescribe;
- To keep minutes of each meeting which shall be filed with the Associate ~~to--keep--minutes-of-each-meeting-which-shall-be-filed-with the Director of DHS-ORS Director-of-DHS-ORS~~ and available for public review and available-for-public-review;
- To give notice of the time and date of each meeting to the Governor, ~~the-give-notice-of-the-time--and--date--of--each--meeting--to--the Governor,---the---Director---of---DHS~~ Secretary and the Vocational Rehabilitation Administrator ~~to-permit-the-Governor-and-the-Director of-DHS~~ to permit them to attend meetings and to be heard upon ~~matter-coming-before-the-RSAC~~, to attend meetings and to be heard upon any matter coming before the SRAC;
- To prepare and submit to the Vocational Rehabilitation Administrator ~~Director of such reports and findings as he/she may request or as the Council deems fit and proper and submit such reports and findings to the Governor and the Commissioner for the Rehabilitation Services Administration of the U.S. Department of Education;~~
- To select jointly with DHS the Vocational Rehabilitation Administrator ~~a pool of qualified persons to serve as impartial hearing officers~~ [20 ILCS 5/6.23];
- To the extent feasible, to conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
  - the functions performed by DHS-ORS and other public and private service providers; and
  - VR services provided, or paid for, through DHS-ORS or any other source;
- To coordinate the activity of the SRAC RSAC with the Independent Living Council (see 89 Ill. Adm. Code 515: Subpart D) and other advisory councils of DHS-ORS and the State Advisory Council on Education of the Handicapped, the Illinois Planning Council on Developmental Disabilities, the Planning Council on Mental Health, and other appropriate entities;
- To provide for coordination and establishment of working relationships between DHS-ORS and the Statewide Independent Living Council and centers for independent living throughout Illinois; and

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n) To review the State Plans to be submitted to the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education; +

o) To develop, in tandem with DHS-ORS, written policies and procedures to enable each customer to make informed choices regarding his/her rehabilitation program; and

p) To review and comment on plans, policies, and procedures relating to recruitment, preparation, and retention of qualified staff, personnel standards, and staff development. This is not to be construed to mean that SRAC shall have input into individual personnel transactions regarding DHS-ORS staff (e.g., hirings, promotions, disciplinary action taken against an employee).

(Source: Amended at 23 Ill. Reg. 3963 effective

MAR 19 1999)

## Section 515.120 Composition

a) The SRAC RSAG shall consist of 23 members appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

1) The Governor shall appoint to this Council the following:

A) One representative of a parent training center established in accordance with the Federal Individuals With Disabilities Education Act.

B) One representative of the client assistance program (CAP) or other individual recommended by CAP.

C) One vocational rehabilitation counselor who has knowledge of and experience with vocational rehabilitation programs (if an employee of DHS the Department is appointed, that appointee shall serve as an ex officio, non-voting member).

D) One representative of community rehabilitation program service providers.

E) Four representatives of business, industry, and labor.

F) Eight representatives of disability advocacy groups representing a cross section of the following:

- i) individuals with physical, cognitive, sensory, and mental disabilities; and
- ii) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or who are unable, due to their disabilities, to represent themselves.

G) One current or former applicant for, or recipient of, vocational rehabilitation services.

H) Three representatives from secondary or higher education.

2) In addition, the chairperson of, or a member designated by, the

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Statewide Independent Living Council created under Section 12a of the Disabled Persons Rehabilitation Act, the chairperson of the Blind Services Planning Council created under the Bureau for the Blind Act, and the Vocational Rehabilitation Administrator Director-of-Rehabilitation-Services shall serve as ex officio members.

b) The Council shall select, from its voting membership, a chairperson.

c) The chairperson and at least 11 other members of the Council shall have a recognized disability.

d) One member shall be a senior citizen age 60 or over.

e) A majority of the Council members shall not be employees of DHS-ORS [20 ILCS 5/6.23].

(Source: Amended at 23 Ill. Reg. 3963 effective

MAR 19 1999)

## Section 515.130 Meetings

a) The SRAC RSAG shall meet at least 4 times per year at times and places designated by the chairperson upon 10 days written notice to the members. A schedule of these meetings shall be developed so that public notice of the dates, times, and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at appropriate DHS-ORS administrative offices at--623--B---Adams, Springfield-and-198-W--Randolph-Chicago. Copies of the public notice will also be provided to news media upon written or oral request.

b) Special meetings may be called by the chairperson or 7 members of the Council upon 7 days written notice to the other members. Public notice of the date, time, location and agenda of any special meeting will be posted at appropriate DHS-ORS administrative offices at--623--B---Adams, Springfield-and-198-W--Randolph-Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].

c) Nine ~~twelve~~ members shall constitute a quorum. [20 ILCS 5/6.23]-

d) Meetings shall be open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].

e) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council council refuses to testify on the basis that his or her testimony will be broadcast or televised or that motion pictures will be taken during testimony. If such refusal occurs, recording shall be prohibited.

(Source: MAR 19 1999 at 23 Ill. Reg. 3963 effective



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The Governor shall appoint a Statewide Independent Living Council, comprised of 18 members, which shall be established as an entity separate and distinct from the Department DHS [20 ILCS 2405/12a(d)].

(Source: Amended at 23 Ill. Reg. 3958, effective MAR 19 1999)

Section 515.410 Composition

- a) The composition of the Council shall include the following:
- 1) At least one director of a center for independent living chosen by the directors of centers for independent living within the State.
  - 2) A representative from the Department of Human Services - Office of Rehabilitation Services and a representative from another unit in the Department of Human Services that provides services for individuals with disabilities; a representative each from the Department on Aging, the State Board of Education, and the Department of Children and Family Services, all as ex-officio, non-voting members who shall not be counted in the 18 members appointed by the Governor, and
  - 3) One or more parents or guardians of individuals with disabilities.
  - 4) One or more advocates for individuals with disabilities.
  - 5) One or more representatives of private business.
  - 6) One or more representatives of organizations that provide services for individuals with disabilities.
  - 7) Other appropriate individuals.

3) In addition, the Council may include the following:

- A) One or more representatives of centers for independent living.
- B) One or more parents or guardians of individuals with disabilities.
- C) One or more advocates for individuals with disabilities.
- D) One or more representatives of private business.
- E) One or more representatives of organizations that provide services for individuals with disabilities; and
- F) Other appropriate individuals.

b) In addition, a representative of DHS and a representative of each of the Department on Aging, the State Board of Education, and the Department of Children and Family Services, all as ex-officio non-voting members who shall not be counted in the members appointed by the Governor.

b) The Council shall elect a chairperson from among its membership. [20 ILCS 2405/12a(d)]

(Source: Amended at 23 Ill. Reg. 3957, effective MAR 19 1999)

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Section 515.140 Terms of Membership

- a) The terms of all members appointed to the RSAC before the effective date of P.A. 88-10 shall expire on July 1, 1993.
- a)b) The members first appointed under P.A. 88-10 (Ill. Rev. Stat. 1991 ch. 127, par. 6.23) (20 ILCS 5/6.23) shall be appointed to serve for staggered terms beginning July 1, 1993 as follows: 7 members shall be appointed for terms of 2 years, and 6 members shall be appointed for terms of 1 year. Thereafter, all appointments shall be for All members shall be appointed for staggered terms of 3 years.
- b)c) Vacancies shall be filled for the unexpired term. Members shall serve until their successors are appointed and qualified.
- c)d) No member shall serve for more than 2 full terms. [20 ILCS 5/6.23]

(Source: Amended at 23 Ill. Reg. 3958, effective MAR 19 1999)

Section 515.150 General Provisions

- a) Members shall be reimbursed for their actual expenses incurred in the performance of their duties as members of SRAC RSAC, including expenses for travel, child care, and personal assistance services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council. For the purpose of payment, "reasonable compensation" shall be \$100.00 per day, but in no case shall the amount exceed income lost by the SRAC RSAC member who must forfeit wages as a result of his/her participation.
- b) No member of SRAC RSAC shall cast a vote on any matter that would provide direct financial benefit to the member or his/her immediate family (spouse, child, parent or other relative living in his/her household), or otherwise give the appearance of a conflict of interest under Illinois law.
- c) To the extent there is a disagreement between SRAC RSAC and the unit within the Department of Human Services responsible for the administration of the vocational rehabilitation program DHS regarding the resources necessary to carry out the functions of SRAC RSAC as set forth in Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8], and as provided in other law, the disagreement shall be resolved by the Governor [20 ILCS 5/6.23].

(Source: Amended at 23 Ill. Reg. 3958, effective MAR 19 1999)

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section 515.400 Statewide Independent Living Council

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**MAR 19 1999**

**Section 515.420 Meetings**

- a) Meetings shall be open to the public,<sup>7</sup> except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].
- b) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis that his or her testimony will be broadcast<sup>7</sup> or televised or that motion pictures will be taken during testimony. If such refusal occurs, recording shall be prohibited.
- c) A schedule of all meetings shall be developed so that public notice of the dates, times and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at appropriate DHS-ORS administrative offices at ~~623-B-Adams, Springfield~~ and ~~100-W-Randolph, Chicago~~. Copies of the public notice will also be provided to news media upon written or oral request.
- d) Public notice of the date, time, location and agenda of each special meeting shall be posted at appropriate DHS administrative offices at ~~623-B-Adams, Springfield~~ and ~~100-W-Randolph, Chicago~~ at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].
- e) All meetings of the Council ~~council~~ shall be physically and communicatively accessible to all persons with disabilities.

(Source: Amended at 23 Ill. Reg. **MAR 19 1999**) effective

**Section 515.440 Powers and Duties**

The Council shall have the following duties:

- a) jointly with DHS-ORS, develop and submit to the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education (Commissioner) the Independent Living Plan for the State of Illinois;
- b) monitor, review, and evaluate the implementation of the State Plan for Independent Living;
- c) coordinate activities with the State Rehabilitation Services Advisory Council;
- d) submit to the Commissioner such periodic reports as he/she may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports;
- e) hold hearings and forums as it deems necessary to carry out the duties

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of the Council;

- f) prepare, in conjunction with DHS-ORS, a plan for the provision of resources, including staff and personnel, necessary to carry out the functions of the Council;
- g) have necessary exclusive staff to assist the Council in carrying out its duties and supervise and evaluate that staff; and
- h) ~~to appoint jointly, with the Vocational Rehabilitation Administrator, DHS---Director a peer review committee to consider and make recommendations for grants to eligible centers for independent living~~ [20 ILCS 2405/12a(d)].

(Source: Amended at 23 Ill. Reg. **MAR 19 1999**) effective

## SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

**Section 515.610 Powers and Duties**

The Council shall:

- a) promote meetings and programs for the discussion of reducing the debilitating effects of spinal cord and head injuries and disseminate information in cooperation with any other department, agency or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by spinal cord and head injuries;
- b) study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of services to spinal cord and head injured persons through private and public residential facilities, day programs, and other specialized services;
- c) recommend specific methods, means and procedures which should be adopted and upgrade the State's service delivery system for spinal cord and head injured citizens of this State;
- d) participate in developing and disseminating criteria and standards which may be required for future funding and licensing of facilities, day programs and other specialized services for spinal cord and head injured persons in this State; and
- e) report annually to the Governor and the General Assembly on its activities, on the results of its studies and ~~the its~~ recommendations of the Council; and ~~40-IBES-515/6h~~
- f) ~~be the advisory board for purposes of federal programs regarding traumatic brain injury. [410 ILCS 515/6(h)]~~

(Source: Amended at 23 Ill. Reg. **MAR 19 1999**) effective

**Section 515.620 Composition**



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The Council shall consist of 29 members. ~~Two members shall be appointed by each of the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. The remaining 21 members shall be appointed by the Governor with advice and consent of the Senate. The members appointed by the Governor shall include, as follows:~~

- a) two neurosurgeons;
- b) two orthopedic surgeons;
- c) two rehabilitation specialists, one of whom shall be a registered nurse;
- d) four persons with head injuries or family members of persons with head injuries;
- e) four persons with spinal cord injuries or family members of persons with spinal cord injuries; and
- f) a representative of an Illinois college or university;
- g) a representative from health institutions or private industry; and
- h) one individual from each of the following entities, as ex-officio members to the Council who are not subject to the limit of 2 consecutive 3 year terms:
  - 1) DHS-ORS;
  - 2) another unit within DHS that provides services to individuals with disabilities;
  - 3) the State Board of Education;
  - 4) the Department of Public Health;
  - 5) the Department of Insurance;
  - 6) the Department of Public Aid;
  - 7) the Division of Specialized Care for Children of the University of Illinois;
  - 8) the Statewide Independent Living Council; and
  - 9) the State Rehabilitation Advisory Council.
- f) ~~A representative of the following:~~
  - 1) An Illinois college or university;
  - 2) Health institutions or private industry;
  - 3) The State Board of Education;
  - 4) The Department of Public Health;
  - 5) The Department of Insurance; and
  - 6) The Department of Public Aid. [410 ILCS 515/6(a)]

(Source: Amended at 23 Ill. Reg. 99573 effective

MAR 19 1999)

## Section 515.640 Membership Terms

- a) ~~The 21 members appointed by the Governor shall serve staggered terms determined by the members by lot as follows:~~
- 1) ~~7 are to have 1-year terms;~~
  - 2) ~~7 are to have 2-year terms;~~
  - 3) ~~7 are to have 3-year terms. [410 ILCS 515/6a]~~

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- a) ~~b) Whereafter, the successors to each of these 21 Members shall serve 3-year terms and until their successors are appointed by the Governor with the advice and consent of the Senate. [410 ILCS 515/6(a)]~~
- c) ~~Except ex-officio members, no member shall serve more than 6 consecutive years on the Council council.~~

(Source: Amended at 23 Ill. Reg. 99573 effective

MAR 19 1999)

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NOTICE OF ADOPTED REPEALER

300.60	New	22 Ill. Reg. 18140
300.70	New	22 Ill. Reg. 18140
300.80	New	22 Ill. Reg. 18140

- 15) Summary and Purpose of Repealer: This Part is being repealed and replaced with DHS Part 300 -ADA.
- 16) Information and answers to questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 300

3) Section Numbers: Adopted Action:

300.10	Repealed
300.20	Repealed
300.30	Repealed
300.40	Repealed
300.50	Repealed
300.60	Repealed
300.70	Repealed

- 4) Statutory Authority: Implementing Section 80-30/C of 20 ILCS 1305 and Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulations (28 CFR 35), and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5].

- 5) Effective Date of Repealer: March 19, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this repealer contain incorporations by reference? No

- 8) A copy of the repealer is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: October 2, 1998, 22 Ill. Reg. 17187

- 10) Has JCAR Issued a Statement of Objections to this repealer? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No recommended changes

- 13) Will this repealer replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Adopted Action	Illinois Register Citation
300.10	New	22 Ill. Reg. 18140
300.20	New	22 Ill. Reg. 18140
300.30	New	22 Ill. Reg. 18140
300.40	New	22 Ill. Reg. 18140
300.50	New	22 Ill. Reg. 18140



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## NOTICE OF ADOPTED RULES

1) Heading of the Part: Americans with Disabilities Act Grievance Procedures

2) Code Citation: 4 Ill. Adm. Code 300

3) Section Numbers: Adopted Action:

300.10	New Rule
300.20	New Rule
300.30	New Rule
300.40	New Rule
300.50	New Rule
300.60	New Rule
300.70	New Rule
300.80	New Rule

4) Statutory Authority: Implementing Section 8-30/C of 20 ILCS 1305 and Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) Effective date of Rules: March 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain any incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18140

10) Has JCAR issued a Statement of Objections to Rule(s)? No

11) Difference between proposal and final version:

Deleted Section 300.10(d).

In Section 300.20(c), after "disability", add "or by an individual or entity who has a known relationship or association with an individual with a disability".

In Section 300.50(a), changed 5 business days to 10 business days.

In Section 300.50(e), removed "upon" and added "Within 45 days after" before "receipt".

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rules: The ADA Grievance Procedure has been identified as an overlapping rule inherited by DHS from the six legacy agencies. Changes to the rule will combine terms and definitions used in various prototypes.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of the Adopted Rules begins on the next page:

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## NOTICE OF ADOPTED RULES

TITLE 4: GRIEVANCE PROCEDURES  
CHAPTER IX: DEPARTMENT OF HUMAN SERVICES

## PART 300

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purpose
300.10	Definitions
300.20	Procedures
300.30	ADA Coordinator Review
300.40	Secretary Review
300.50	Accessibility
300.60	Case-by-case Resolution
300.70	ADA Notice
300.80	

**AUTHORITY:** Implementing Section 80-30 of Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), and authorized by the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Adopted at 16 Ill. Reg. 15102, effective September 21, 1992; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9324; old Part repealed and new Part adopted at 23 Ill. Reg. 300.10, effective MAR 19 1993.

**Section 300.10 Purpose**

- a) This Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990, 42 USC 12101 et seq., and specifically 28 CFR 35.107, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities concerning program services or activities provided by DHS. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, the ADA Coordinator shall provide such information.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Department of Human Services (DHS), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of DHS to foster open communication with all individuals requesting readily accessible programs, services and activities. DHS encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

**Section 300.20 Definitions**

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## a) Complainant

A "Complainant" is an individual with a disability who files a grievance form provided by DHS under this Procedure.

## b) ADA Coordinator

The "ADA Coordinator" is the person designated by the DHS Secretary who is responsible for the coordination of efforts of DHS to comply with and carry out its responsibilities under Titles I and II of the ADA, including investigation of grievances filed by complainants. The ADA Coordinator may be contacted at:

DHS - ADA Coordinator  
Chief, Bureau of Accessibility & Workplace Safety  
401 S. Clinton, 7th Floor  
Chicago IL 60607

## c) Grievance

A "Grievance" is any complaint under the ADA by an individual or individuals with a disability, or by an individual or entity who has a known relationship or association with an individual with a disability, who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by DHS, and
- 2) believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of DHS or has been subject to discrimination by DHS.

## d) Disability

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, record of such impairment, or being regarded as having such an impairment.

## e) Qualified Individual with a Disability

"Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communications or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

**Section 300.30 Procedures**

- a) DHS shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and a grievance form.
- b) Grievances must be submitted through the process described below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by

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mutual agreement in writing by the Complainant and the ADA Coordinator and Final Review by the Secretary.

- c) A Complainant's failure to submit or appeal a grievance to the next level of procedure within the specified time limits shall mean that the Complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as DHS' last response.

**Section 300.40 ADA Coordinator Review**

- a) If an individual desires to file a formal written grievance under this Part, the individual shall promptly, but no later than 30 days after the alleged discrimination, submit the grievance to the ADA Coordinator in writing on the grievance form prescribed for that purpose. The grievance form must be completed in full in order to receive proper consideration by the ADA Coordinator.

- b) The grievance form shall include:

- 1) The Complainant's name, and if applicable, address and telephone number;
  - 2) the best means and time for contacting the Complainant;
  - 3) the program, activity or service that was denied Complainant or in which alleged discrimination occurred;
  - 4) the date and nature of the alleged denial or discrimination;
  - 5) the signature of the Complainant, or his/her authorized designee.
- Upon request, assistance shall be provided by DHS to complete the grievance form.
- d) The ADA Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the Complainant within 45 business days after receipt of the grievance form.

**Section 300.50 Secretary Review**

- a) If the grievance has not been resolved at the ADA Coordinator Level to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Secretary of DHS for final review. The Complainant shall submit these documents to the Secretary, together with a short written statement explaining the reason(s) for dissatisfaction with the ADA Coordinator's written response, within 10 business days after receipt by the Complainant of the ADA Coordinator's response.
- b) The Secretary shall appoint a person(s) to review the grievance.
- c) The Complainant shall be afforded an opportunity to appear before the Secretary's appointee. Complainant shall have the right to appoint a representative to appear on his/her behalf. The Secretary's appointees shall review the ADA Coordinator's written response and may conduct interviews and seek advice as he/she deems appropriate.
- d) Within 45 days after receipt of the Complainant's written response, the appointees shall make recommendations in writing to the Secretary

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as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations. A dissenting appointee may make a recommendation to the Secretary in writing and shall also sign such recommendation.

- e) Within 45 days after receipt of recommendations from the appointees, the Secretary shall approve, disapprove or modify the recommendations, shall render a written decision stating the basis therefor, and shall cause a copy of the decision to be served on the parties. The Secretary's decision shall be final.

**Section 300.60 Accessibility**

DHS shall ensure that all stages of the procedure are accessible to and usable by individuals with disabilities.

**Section 300.70 Case-by-case Resolution**

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, the nature of the service, program or activity; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on DHS. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainants should rely.

**Section 300.80 ADA Notice**

A public notice shall be posted informing applicants, participants, beneficiaries and other interested persons of DHS' compliance with the Americans With Disabilities Act as applicable to the services, programs, or activities of the Department.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Americans with Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 500

3) Section Numbers: Adopted Action:

500.1	Repealed
500.2	Repealed
500.3	Repealed
500.4	Repealed
500.5	Repealed
500.6	Repealed
500.7	Repealed

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 4-101 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

5) Effective Date of Repealer: March 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 2, 1998, 22 Ill. Reg. 17193

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part is being repealed and replaced with DHS Part 300.

16) Information and answers to questions regarding this adopted repealer shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Numbers: Adopted Action:  
682.100 Amendment  
682.200 Amendment  
682.240 Amendment  
682.260 Amendment  
682.300 Amendment  
682.400 Amendment  
682.410 Amendment  
682.500 Amendment  
682.510 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Amendments: March 19, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18146
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: In Section 682.260, "individual" is changed to "customer".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: This amendment adds the Community Spousal Asset Allowance as adopted by the Department of Public Aid to the eligibility criteria for Asset Limitation. This allowance protects the spouse of a customer by allowing a specified amount of the married couple's assets to be transferred to or for the sole benefit of the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

community spouse. Currently this amount is \$80,760. The figure changes every January 1. The amendment also adds language to incorporate revisions needed to implement services under the Waiver for Persons with a Brain Injury.

- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAMPART 682  
ELIGIBILITY

## SUBPART A: GENERAL APPLICABILITY

Section  
682.10 General Applicability

## SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section  
682.100 General Eligibility Criteria

## SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

## Section

682.200 Assets Limitation  
682.210 Transfer of Assets  
682.220 Exempt Assets  
682.230 Assets Held in Joint Ownership  
682.240 Income Allowances  
682.250 Cost Sharing Provisions  
682.260 General Exceptions to Cost Share Provisions

## SUBPART D: EFFECT OF OTHER SERVICES ON HSP

## Section

682.300 Effect of Other Services on HSP

## SUBPART E: REDETERMINATION OF ELIGIBILITY

## Section

682.400 Redetermination Requirements  
682.410 Redetermination Time Frames

## SUBPART F: GRANDFATHERING PROVISIONS

## Section

682.500 Exceptions to Eligibility Standards  
682.510 Exceptions to Cost Sharing Provisions  
682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 2981, effective MAR 19 1999.

## SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

## Section 682.100 General Eligibility Criteria

In order to receive services through HSP a customer an individual must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) as-of-October-17-1997, have applied for, be a recipient of, or be found eligible for a-Spend-Down-through Medicaid benefits through DPA and within 60 days after the date of application for HSP provide verification to the HSP counselor of the aforementioned. Customers may be found eligible for Medicaid and be placed on Spend Down. However, a customer an individual is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 684.682). The customer must agree to apply for Medicaid, and cooperate with the Department of Public Aid, to receive Interim Services. Individuals Customers having applied for HSP services prior to October 1, 1991, may choose those to apply for Medicaid;
- c) be a resident of the State of Illinois;
- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the Medicaid Waiver for Persons with AIDS or for Persons with a Brain Injury, in which case there is no age criteria for application;
- e) have a severe disability which is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points;
- g) obtain certification from a physician or from a neuropsychologist for a person with a brain injury, with DHS assistance, that the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home as provided in on the HSP Service Plan developed for the individual; and
- h) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

a similar DON score.

(Source: Amended at 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

## Section 682.200 Assets Limitation

- a) Adult customers, age 18 years or above, may have no more than \$10,000 in customer-only non-exempt assets in order to receive services through HSP.
- b) Minor customers, those under 18 years, may have no more than \$30,000 in total family non-exempt assets. In order to determine total family assets, the customer and all other individuals who contribute to the family unit, or rely on the family unit for support, shall be counted.
- c) A married customer, with a total DON score of 75 points or more, and whose spouse does not receive HSP services and is not institutionalized, shall not own interest in non-exempt assets having a total value in excess of \$10,000. Non-exempt assets having a value over this figure and up to the amount allowed by the Community Spouse Asset Allowance, as adopted by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.379(d), must be transferred to, or for the sole benefit of, the community spouse. If the customer's assets exceed the asset disregard and prevention of spousal impoverishment amount, but the excess is less than \$10,000, the customer is eligible for HSP services. If the excess is greater than \$10,000, the individual is ineligible for services. Customers who may be qualified for the spousal impoverishment exception may receive Interim Services while the Department of Public Aid determines the eligibility factor.

(Source: Amended 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## Section 682.240 Income Allowances

The customer individual and his/her family must meet the income guidelines for HSP the program or the customer individual will be required to contribute a portion of participate in the cost of the HSP services received (see Section 682.250).

(Source: Amended at 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## Section 682.250 Cost Sharing Provisions

- a) If the customer individual and his/her family have income in excess of the income guidelines for a family the size of the customer's

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

individual's, the customer individual must participate in the cost of services in order to receive services through the HSP.

- b) The amount of the cost share shall be 25% of the excess income of the family unit, less all disability related expenses (e.g., cost of special medical supplies, which are directly related to the customer's individual's disability, etc.) applicable to the customer.
- c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

(Source: Amended at 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## Section 682.260 General Exceptions to Cost Share Provisions

No cost sharing shall be required if the customer individual:

- a) has applied for Medicaid benefits through DPA and has provided documentation verifying application for such benefits to the counselor;
- b) has been determined eligible to receive Medicaid benefits;
- c) has had a Medicaid Spend Down established;
- d) is a recipient of SSI benefits; or
- e) is receiving only respite services (89 Ill. Adm. Code 676.4030(i)).

(Source: Amended at 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## SUBPART D: EFFECT OF OTHER SERVICES ON HSP

## Section 682.300 Effect of Other Services on HSP

- a) A customer An-individual cannot receive services through the HSP if he/she is receiving services through any other agency's home care program if that agency will seek reimbursement for those services through a Medicaid Waiver.
- b) A customer An-individual receiving services through a program described in subsection (a) above must terminate those services prior to the time any services may be provided through the HSP, pursuant to Medicaid regulations.

(Source: Amended at 23 Ill. Reg. 2081 effective  
MAR 19 1999)

## SUBPART E: REDETERMINATION OF ELIGIBILITY

## Section 682.400 Redetermination Requirements

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

All customers individuals receiving services through the HSP must have eligibility redetermined and must continue to meet all eligibility criteria as stated in Subparts B and C of this Part to continue to receive services through HSP.

(Source: Amended at 23 Ill. Reg. 9081.1, effective MAR 19 1999)

## Section 682.410 Redetermination Time Frames

- a) Any customer individual served under the standard Medicaid Waiver shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every twelve months.
- b) Any customer individual served under the Medicaid Waiver for Persons with AIDS shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every six months.
- c) Any customer served under the Medicaid Waiver for Persons with a Brain Injury shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change occurs, at least once every three months.

(Source: Amended at 23 Ill. Reg. 9081.1, effective MAR 19 1999)

## SUBPART F: GRANDFATHERING PROVISIONS

## Section 682.500 Exceptions to Eligibility Standards

A customer An individual who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:

- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983;
- b) not have his/her cost share amount increased, as long as services remain at the same levels as prior to July 17, 1983, unless the customer chooses to cost share at a higher level; and
- c) have more than \$10,000-00 in non-exempt, customer-only assets.

(Source: Amended at 23 Ill. Reg. 9081.1, effective MAR 19 1999)

## Section 682.510 Exceptions to Cost Sharing Provisions

A customer An individual whose case was in an active status on or before April

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1, 1987, and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (89 Ill. Adm. Code 682.250240(c)) that is paid directly to the vendor may continue to cost share at the lower percentage, unless the customer chooses to cost share at a higher rate.

(Source: Amended at 23 Ill. Reg. 9081.1, effective MAR 19 1999)

## Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a provider rate increase, the customer individual may continue to receive the same amount of services even though the SCM will be exceeded.
- b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- c) Cases involving ventilator dependent customers individuals whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).

(Source: Amended at 23 Ill. Reg. 9081.1, effective MAR 19 1999)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Prescreening
- 2) Code Citation: 89 Ill. Adm. Code 681
- 3) Section Numbers:

681.20	<u>Adopted Action:</u>
681.30	Amended
681.60	Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Amendments: March 19, 1999
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 10, 1998 , 22 Ill. Reg. 18154 (issue date)
- 10) Has JCAR Issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Home Services Program rules are being revised to update cites, terms and reference to match the Department of Human Services organization. The amendments in this rulemaking also include amendments of the text in several areas.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East

## DEPARTMENT OF HUMAN SERVICES

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3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: DEPARTMENT OF REHABILITATION SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 681

## PRESCREENING

Section 681.10	Who Must be Prescreened
681.20	DHS Prescreening Responsibilities
681.30	Prescreening Process
681.35	Assessment Validity Period and Customer Rights
681.40	Time Frames
681.50	Outcome of Prescreening Process
681.60	Certification of Prescreening Results
681.70	Necessity of Prescreening

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 19 Ill. Reg. 5086, effective March 21, 1995; amended at 20 Ill. Reg. 10366, effective July 19, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 5086 effective MAR 19 1999.

**Section 681.20 DHS Prescreening Responsibilities**

- a) Pursuant to Section 2-201.5 240-1010 of the Nursing Home Care Act [210 ILCS 45], DHS must prescreen any individual, as described in Section 681.10, who seeks admission to a nursing facility.
  - b) DHS Home Services Program does not prescreen individuals who:
    - 1) are less than 18 years of age, or 60 years of age or older;
    - 2) are transferred from one nursing facility to another nursing facility;
    - 3) resided in a nursing facility for a period of at least 60 calendar days who are returning to a nursing facility after an absence of not more than 60 calendar days;
    - 4) are returning to a nursing facility after an absence for medical care, regardless of the duration of the absence;
    - 5) have a diagnosis of developmental disability or severe mental illness, regardless of age;
    - 6) are admitted to a facility that is part of a Life Care Contract;
    - 7) are admitted to a hospice;
    - 8) are admitted to a nursing facility for respite care from the community for a period of no more than 15 calendar days;
    - 9) are admitted to a sheltered care facility;
    - 10) are admitted to a facility operated under the Hospital Licensing Act [210 ILCS 85] whose actual length of stay in such a facility

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

is less than 21 calendar days. If an individual's stay extends to 21 days or beyond, he/she must be prescreened; 11) are admitted to a facility operated by a provider licensed under the Alternative Care Delivery Act [210 ILCS 3/35] whose actual length of stay in such a facility is less than 21 calendar days. If an individual's stay extends to 21 days or beyond, he/she must be prescreened; or

12) were residents of a nursing facility on June 30, 1996.

(Source: Amended at 23 Ill. Reg. 5086 effective MAR 19 1999)

**Section 681.30 Prescreening Process**

The Prescreening process is the completion of the DON and reporting of the results. The DON, completed by the counselor or appropriate representative of a cooperating social service agency/hospital who has been trained by DHS or DoA, measures the level of impairment of an individual and the individual's unmet need for care. Determination of eligibility for institutional care and eligibility for HSP services is based on the points earned in both of these categories and their totals. The results of the Prescreening are reported via the Inter-Agency Certification of Screening Results For Long Term Care Imminent Risk (DPA:2536).

(Source: Amended at 23 Ill. Reg. 5086 effective MAR 19 1999)

**Section 681.60 Certification of Prescreening Results**

- a) After the prescreening is completed, if the customer has chosen institutional placement, the counselor must complete an Inter-Agency Certification of INTERAGENCY-CERTIFICATION-OF Screening Results For Long Term Care RESULTS-DETERMINATION-OF-IMMINENT-RISK (DPA:2536) form and an OBRA 1 ID Screen form and forward the results to the nursing facility. A partial HSP Eligibility Summary (IL 488-0325) is required from the case file.
  - b) Further, if the individual is eligible and has chosen institutional placement over HSP services, the customer must sign and date the appropriate form, indicating nursing home preference and that the customer has been informed of the availability of HSP services as an alternative to institutionalization and has chosen the institutional care.
  - c) Results must be certified, as per subsection (a) above, regardless of whether the individual is eligible.

(Source: Amended at 23 Ill. Reg. 5086 effective MAR 19 1999)

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: Adopted Action:  
350.280 Amended
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].
- 5) Effective Date of Amendments: October 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8283

- 10) Has JCAR issued a Statement of Objections to these Amendments? Yes

Statement of Objection: January 4, 1999, 23 Ill. Reg. 349

Agency Response: March 26, 1999, 23 Ill. Reg. 3877

Date Agency Response Submitted for Approval to JCAR: March 10, 1999

- 11) Difference between proposal and final version:

Section 350.280 (a), insert the following new language before the September 4, 1997 text and the proposed amendment:

"Incorporations  
1)"

Section 350.280 (a), insert the following new language after the September 4, 1997 text and the proposed amendment:

"2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <<http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>>

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999)."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of Amendments: Section 4 (d) of the Health and Safety Act requires IDOL to adopt all federal occupational safety and health standards (OSH rules) the U.S. Secretary of Labor promulgates, modifies or revokes, within 60 days of their effective date unless the State already has in place alternative rules that are at least as effective as the OSH rules. Since 1985, IDOL has incorporated by reference all final OSH rules. For example, IDOL adopted in September 1997 twelve OSH rules as amended through January 1997. The rulemaking at issue incorporates by reference the three OSH rules published between January 1997 and January 1998. The three OSH rules are "Longshoring and Marine Terminals; Final Rule", "Air Contaminants; Corrections", and "Respiratory Protection; Final Rule". IDOL adopts OSH rules rather than promulgating alternative standards to ensure that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois, and (2) Illinois' public sector employers benefit from the elimination, updating, or clarification of the OSH rules IDOL previously adopted.

- 16) Information and questions regarding these adopted amendments shall be

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Scott D. Miller, Chief Legal Counsel  
 Department of Labor  
 North LaSalle Street, Suite C-1300  
 Chicago, Illinois 60601  
 (312) 793-1805

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT  
 CHAPTER I: DEPARTMENT OF LABOR  
 SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350  
 HEALTH AND SAFETY

## SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Posting of Notice
350.40	Availability of Rules and Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Conduct of Inspections
350.80	Closing Conferences
350.90	Representatives of Employers and Employees
350.100	Objections During Inspection
350.110	Trade Secrets or Confidential Information
350.120	Consultation with Employees
350.130	Complaints by Employees
350.140	Imminent Danger
350.150	Citations
350.160	Posting of Citations
350.170	Appeal of Citation
350.180	Appeal of Abatement Period
350.190	Petition for Variance from Standards
350.195	Hearings
350.200	Advisory Inspections

## SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records

## SUBPART C: FEDERAL STANDARDS

Section	
350.280	Adoption of Federal Standards

**AUTHORITY:** Implementing and authorized by the Safety Inspection and Education



## DEPARTMENT OF LABOR

## NOTICE OF ADOPTED AMENDMENT(S)

Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 2393, effective JUL 1 - 1999.

## SUBPART C: FEDERAL STANDARDS

## Section 350.280 Adoption of Federal Standards

## a) Incorporations

1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective April 8, 1998 and amended at FR62:1152; FR62:42018; and FR62:40142 July 17-1996-and-amended-at FR61:43738;--PR61:43454;--PR61:46025;--PR61:56796;--PR61:59837;--and PR62:1494. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory

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## NOTICE OF ADOPTED AMENDMENT(S)

Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.

d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 23 Ill. Reg. 2393, effective JUL 1 - 1999)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield Illinois 62786  
217/785-0813 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Physician's Assistants Practice Act

2) Code Citation: 68 Ill. Adm. Code 1350

3) Section Numbers: Adopted Action:

- 1350.20 Amendment
- 1350.40 Amendment
- 1350.80 Amendment
- 1350.116 Amendment
- 1350.117 Amendment

4) Statutory Authority: Physician's Assistants Practice Act [225 ILCS 95].

5) Effective Date of Amendments: March 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection

9) Date Notice of Proposal Published in Illinois Register: April 3, 1998, at 22 Ill. Reg. 6041

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Section 1350.85, concerning delegation of prescriptive authority to physician's assistants, has been withdrawn since Illinois law conflicts with federal statutes. It will be resubmitted in an amended form, along with the necessary rules changes to the Controlled Substances Act, after Senate Bill 859 becomes law.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking updates the rules for the Physician Assistant Practice Act of 1987 to bring them up to date with the sunset rewrite of the Act, which became effective December 30, 1997.

16) Information and questions regarding this amended Part shall be directed to:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1350  
PHYSICIAN ASSISTANT PRACTICE ACT  
OF 1987

Section	Statutory Authority (Repealed)
1350.10	Definitions
1350.20	Fees
1350.25	Approved Programs
1350.30	Application for Licensure
1350.40	Temporary Certificate
1350.50	Identification
1350.60	Permitted Tasks (Repealed)
1350.70	Supervision of Performance
1350.80	Scope and Function
1350.90	Notification of Employment
1350.100	Employment by a Professional Corporation or Partnership
1350.110	Renewals
1350.115	Restoration
1350.116	Endorsement
1350.117	Granting Variances
1350.120	

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/9] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. 3891, effective February 5, 1998; amended at 23 Ill. Reg. ~~3999~~ **MAR 10 1999** effective ~~3999~~ **MAR 10 1999**.

## Section 1350.20 Definitions

"Act" means the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Advisory Committee" means the Physician Assistant Advisory Committee

## DEPARTMENT OF PROFESSIONAL REGULATION

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to the Medical Licensing Board.

"Alternate Supervising Physician" means a physician designated by the supervising physician in accordance with Section 4(8) of the Act. The alternate supervising physician shall maintain all the same responsibilities as the supervising physician. Nothing in this Part shall be construed as to limit the reasonable number of alternate supervising physicians provided they are designated by the supervising physician. (Section 4 of the Act [225 ILCS 95/4])

"Department" means the Department of Professional Regulation of the State of Illinois.

"Disciplinary Board" means the Medical Disciplinary Board established pursuant to Section 7 of the Medical Practice Act [225 ILCS 60].

"Licensing Board" means the Medical Licensing Board established pursuant to Section 8 of the Medical Practice Act.

"Physician Assistant" means a person licensed by the Department and who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987. A physician assistant is only authorized to practice within the current scope of practice of the supervising physician/alternate supervising physician and is further limited by his/her education, training and experience.

"Supervising Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the primary supervising physician of the physician assistant in accordance with Section 4(7) of the Act. No more than two physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position. (Section 7 of the Act)

(Source: Amended at 23 Ill. Reg. ~~3999~~ **MAR 10 1999**, effective ~~3999~~ **MAR 10 1999**)

## Section 1350.40 Application for Licensure

a) An applicant for licensure as a physician assistant shall file an application on forms provided by the Department. The application shall include:

- 1) Certification of graduation from an approved program that meets the requirements set forth in Section 1350.30 of this Part or certification from the National Commission on Certification of Physician Assistants, or its successor agency, that the applicant has substantially equivalent training and experience;
- 2) Certification of successful completion of the Physician Assistant



## DEPARTMENT OF PROFESSIONAL REGULATION

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National Certifying Examination. The certification shall be forwarded to the Department from the National Commission on Certification of Physician Assistants, or its successor agency;

3) A complete work history since graduation from a physician assistant program;

4) Certification, on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license;
- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- 5) The fee required in Section 1350.25 of this Part ~~18-01~~ 18-01 of the Act.
- b) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

(Source: Amended at 23 Ill. Reg. 399, effective MAR 19 1999)

## Section 1350.80 Supervision of Performance

- a) The supervising physician/alternate supervising physician shall maintain the final responsibility for the care of the patient and the performance of the physician assistant.
- b) Delegated procedures and tasks performed by the physician assistant shall be within the current scope of practice of the supervising physician or designated alternate supervising physician with whom the physician assistant is working at the time.
- c) The supervising physician may ~~shall~~ supervise ~~no more than two~~ one physician assistant ~~assistant~~. However, a physician assistant shall be able to hold more than one professional position.
- d) Any time the supervising physician is unable to provide the appropriate supervision to the physician assistant, he/she shall designate an alternate supervising physician to provide such supervision. The name(s) of the alternate supervising physician(s) shall be identified in the guidelines established by the supervising physician. If the supervising physician will be unable to supervise the physician assistant for more than 30 days, he/she shall notify the Department, on forms prescribed by the Department. Failure of the supervising physician to notify the Department shall be grounds for discipline of the physician's license.
- e) When under supervision of an alternate supervising physician, the physician assistant may carry out those duties that are contained within the established guidelines of the physician/physician assistant

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team. An alternate supervising physician shall be subject to the same supervision responsibilities as the supervising physician.

f) It is the responsibility of the supervising physician to direct and review the work, records and practice of the physician assistant on a timely basis to ensure that appropriate directions are given and understood and that appropriate treatment is being rendered.

- g) In the event that the supervising physician is not present in the same facility as the physician assistant, the supervising physician should be within reasonable travel distance from the facility so that the supervising physician can personally assure the proper care of his/her patients.
- h) The supervising physician shall have full authority and responsibility to direct, supervise and limit the role of a physician assistant. Nothing contained herein shall be deemed to alter the fact that a physician assistant shall continue to bear responsibility for his/her actions to the extent that the physician assistant fails to comply with physician directives or is not carrying out those directives in a professional and appropriate manner in conformance with his/her training.
- i) The physician assistant shall only work under the direction of the current supervising physician or alternate supervising physician and may undertake patient care responsibilities only for the patients of the supervising physician or alternate supervising physician.

(Source: Amended at 23 Ill. Reg. 399, effective MAR 19 1999)

## Section 1350.116 Restoration

- a) A person seeking restoration of a license that has expired for 3 years or less than ~~three~~ three years shall have the license restored upon payment of all lapsed renewal fees required by Section 1350.25 of this Part ~~18-01~~ 18-01 of the Act.
- b) A person seeking restoration of a license that has been placed on inactive status for 3 years or less than ~~three~~ three years shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than ~~three~~ three years or more shall file an application, on forms supplied by the Department, including the applicant's work history since the license expired and the fee required by Section 1350.25 of this Part ~~18-01~~ 18-01 of the Act. The person shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section

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- 15 of the Act; or
- 3) Successful completion of the examination administered by and proof of current certification from the National Commission on the Certification of Physician Assistants or its successor agency.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Advisory Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflict in information. Upon the recommendation of the Licensing Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.
- e) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

(Source: Amended at 23 Ill. Reg. 2999, effective MAR 10 1989)

## Section 1350.117 Endorsement

- a) An applicant for licensure as a physician assistant who is licensed under the laws of another state shall file an application with the Department which shall include:
- 1) A certification from all states in which the applicant was licensed and is currently licensed, stating:
    - A) The time during which the applicant was licensed in that jurisdiction; and
    - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
  - 2) A complete work history indicating all employment since graduation from a program that meets the requirements set forth in Section 1350.30;
  - 3) Certification of successful completion of the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants, or its successor agency;
  - 4) The required fee set forth in Section 1350.25 of this Part ~~of the Act.~~
- b) The Department shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing

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were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act. The Department shall either issue a license by endorsement or notify the applicant of the reasons for the denial of the application.

c) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of employment has been filed in accordance with Section 1350.100 of this Part.

(Source: Amended at 23 Ill. Reg. 2999, effective MAR 10 1989)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Asbestos Abatement for Public and Private Schools in Illinois
- 2) Code Citation: 77 Ill. Adm. Code 855
- 3) Section Numbers:
- |            |                 |
|------------|-----------------|
| 855.10     | Adopted Action: |
| 855.20     | Repealed        |
| 855.30     | Repealed        |
| 855.40     | Repealed        |
| 855.50     | Repealed        |
| 855.55     | Repealed        |
| 855.60     | Repealed        |
| 855.70     | Repealed        |
| 855.80     | Repealed        |
| 855.90     | Repealed        |
| 855.100    | Repealed        |
| 855.110    | Repealed        |
| 855.120    | Repealed        |
| 855.130    | Repealed        |
| 855.140    | Repealed        |
| 855.150    | Repealed        |
| 855.160    | Repealed        |
| 855.170    | Repealed        |
| 855.180    | Repealed        |
| 855.190    | Repealed        |
| 855.200    | Repealed        |
| 855.210    | Repealed        |
| 855.220    | Repealed        |
| 855.230    | Repealed        |
| 855.240    | Repealed        |
| 855.250    | Repealed        |
| 855.260    | Repealed        |
| 855.270    | Repealed        |
| 855.275    | Repealed        |
| 855.280    | Repealed        |
| 855.290    | Repealed        |
| 855.300    | Repealed        |
| 855.310    | Repealed        |
| 855.320    | Repealed        |
| 855.330    | Repealed        |
| 855.340    | Repealed        |
| 855.345    | Repealed        |
| 855.350    | Repealed        |
| 855.355    | Repealed        |
| 855.360    | Repealed        |
| 855.370    | Repealed        |
| Appendix A | Repealed        |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED REPEALER

- Illustration A Repealed
- Illustration B Repealed
- Illustration C Repealed
- Illustration D Repealed
- Appendix B Repealed
- Illustration A Repealed
- Illustration B Repealed
- Illustration C Repealed
- Illustration D Repealed
- Illustration E Repealed
- Illustration F Repealed
- Illustration G Repealed
- Illustration H Repealed
- Illustration I Repealed
- Appendix C Repealed
- Illustration A Repealed
- Illustration B Repealed
- Illustration C Repealed
- Illustration D Repealed
- Illustration E Repealed
- Illustration F Repealed
- Illustration G Repealed
- Illustration H Repealed
- Illustration I Repealed
- Illustration J Repealed
- 4) Statutory Authority:
- Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105].
- 5) Effective Date of Rulemaking: March 12, 1999
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? Yes
- 8) A copy of the adopted repealer, including incorporation by reference is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:  
March 13, 1998; 22 Ill. Reg. 4733
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version:



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## NOTICE OF ADOPTED REPEALER

There are no differences between the proposed and final versions of this repealer

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were requested by the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rulemaking:

These rules, which apply to asbestos abatement in public and private schools, are being repealed and will be replaced by adopted rules that appear in this issue of the *Illinois Register*. The new rules set standards and requirements for all asbestos abatement activities in schools and other commercial and public buildings. The new rules clarify policy and implement the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

- 16) Information and questions regarding this adopted rulemaking should be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043 E-mail:rules@dp.h.state.il.us

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois

- 2) Code Citation: 77 Ill. Adm. Code 855

- 3) Section Numbers:

Section Numbers:	Adopted Action:
855.5	New Section
855.10	New Section
855.20	New Section
855.25	New Section
855.100	New Section
855.110	New Section
855.120	New Section
855.140	New Section
855.150	New Section
855.160	New Section
855.170	New Section
855.220	New Section
855.230	New Section
855.240	New Section
855.300	New Section
855.310	New Section
855.320	New Section
855.325	New Section
855.330	New Section
855.350	New Section
855.360	New Section
855.370	New Section
855.380	New Section
855.390	New Section
855.400	New Section
855.410	New Section
855.420	New Section
855.425	New Section
855.430	New Section
855.440	New Section
855.450	New Section
855.460	New Section
855.465	New Section
855.470	New Section
855.475	New Section
855.480	New Section
855.490	New Section
855.500	New Section
855.510	New Section
855.520	New Section
855.600	New Section
855.610	New Section

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855.620	New Section
855.630	New Section
855.640	New Section
Appendix A	New Section
Illustration A	New Section
Appendix B	New Section
Illustration A	New Section
Illustration B	New Section
Illustration C	New Section
Illustration D	New Section
Illustration E	New Section
Illustration F	New Section
Illustration G	New Section
Illustration H	New Section
Illustration I	New Section

4) Statutory Authority: Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

5) Effective Date of Rulemaking: March 12, 1999

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporations by Reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: March 13, 1998; 22 Ill. Reg. 4632

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? Yes

If Yes, Date Agency Response Submitted for Approval to JCAR: March 12, 1999

Date Statement of Objection was Published in the Illinois Register: March 5, 1999; 23 Ill. Reg. 2822

11) Difference Between Proposal and Final Version:

The rulemaking was reorganized during the first notice period into Subparts governing licensure and training course approval, responsibilities of licensed persons, general abatement requirements for commercial and public buildings, local educational agency responsibilities and standards for abatement, and fines, penalties, administrative hearings

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

and emergency stop work orders. The purpose of the reorganization is to clarify which sections specifically apply to only commercial and public buildings, school buildings or both. A new section explaining the applicability of the Act and this Part was also added. The most significant changes to the proposed rules between the proposal and final version include an exemption from notification to the Department for abatement activities performed in industrial buildings, as defined in the rules; a reduction from 10 days to 2 days before the start of abatement activities in commercial and public buildings for notification to the Department; and a reduction from 60 days to 20 days before the start of abatement activities for submitting variance requests to the Department. Additionally, the section on definitions of terms has been expanded to include all statutory definitions from the Commercial and Public Building Asbestos Abatement Act and the Asbestos Abatement Act.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking:

This rulemaking is an extensive revision to the rules governing asbestos abatement in Illinois to implement changes in Illinois law brought about by the creation of the Commercial and Public Building Asbestos Abatement Act. The Department's former rules, which applied to asbestos abatement in public and private schools, are repealed in this issue of the Illinois Register. The rules include licensing requirements for individuals involved in asbestos work in commercial and public buildings; the responsibilities of project designers and supervisors; and work procedures and notification requirements applicable to asbestos abatement projects in commercial and public buildings.

16) Information and questions regarding this adopted rulemaking should be directed to:

Gail M. Devito  
Administrative Rules Coordinator  
Division of Legal Services,  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

(E-mail:rules@idhs.state.il.us)

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER P: HAZARDOUS AND POISONOUS SUBSTANCE

## PART 855

ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE  
SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

## SUBPART A: GENERAL PROVISIONS

## Section

855.5 Applicability

855.10 Incorporation by Reference-Federal Regulations and Other Standards  
Definitions

855.25 Alternative Procedures and Variances

## SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

## Section

855.100 License Requirements

855.110 Contractor Licensing

855.120 Training Course Approval and Accreditation

## SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

## Section

855.140 Supervisor Responsibilities

855.150 Project Designer Responsibilities

855.160 Management Planner Responsibilities

855.170 Project Manager Responsibilities, Air Sampling Professional  
Responsibilities and Laboratory Services

## SUBPART D: GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS

## Section

855.220 Notification and Procedures for Abatement of Asbestos in Commercial  
and Public Buildings

855.230 Equipment and Waste Container Removal Procedures

855.240 Reestablishment of the Work Area and HVAC Systems in Commercial and  
Public Buildings

SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES  
AND STANDARDS FOR ABATEMENT

## Section

855.300 Local Education Agency (LEA) Requirements

855.310 Procedures for School Inspections and Reinspections

855.325 Management Plan



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855.330	Operations and Maintenance
855.350	Submissions and Notices
855.360	Demolition of a School Building
855.370	Workplace Entry and Exit Procedures
855.380	Building Protection
855.390	Materials and Equipment
855.400	Work Area Preparation
855.410	Worker Decontamination Enclosure System
855.420	Remote Decontamination Enclosure System
855.425	Equipment Decontamination Enclosure System
855.430	Separation Barriers
855.440	Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.450	Commencement of Work
855.460	Removal Procedures
855.465	Cleanup Procedures
855.470	Clearance Air Monitoring and Analysis
855.475	Disposal Procedures
855.480	Glovebag Procedures
855.490	Response Contractor Indemnification Fund
855.500	Encapsulation Procedures for Schools
855.510	Enclosure Procedures for Schools
855.520	Reestablishment of the Work Area and HVAC Systems in Schools

## SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

Section	Adverse Licensure Action
855.600	Fines and Penalties
855.610	Administrative Hearings
855.620	Emergency Stop Work Orders for Commercial and Public Buildings
855.630	Emergency Stop Work Orders for Schools
855.640	Appendix A Illustration - Project Form
APPENDIX A	Illustration - Project Form
APPENDIX B	Illustrations - Inspection and Management Plan Forms
ILLUSTRATION A	Building Inspection for Friable and Nonfriable Materials
ILLUSTRATION B	Inspection Report Form
ILLUSTRATION C	Sampling Area Diagram (Ceiling and Floor)
ILLUSTRATION D	Sampling Area Diagram (Boiler Room)
ILLUSTRATION E	Random Sampling Table
ILLUSTRATION F	Irregularly Shaped Random Sampling Area
ILLUSTRATION G	Regular Shaped Random Sampling Area
ILLUSTRATION H	Protocol for Asbestos Management Plan
ILLUSTRATION I	Outline for Asbestos Management Plan

AUTHORITY: Authorized by and implementing the Asbestos Abatement Act [105

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ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010 ~~37~~, effective MAR 12 1999.

## SUBPART A: GENERAL PROVISIONS

## Section 855.5 Applicability

- a) Subparts A, B, and C contain incorporated materials, definitions, variance procedures, requirements of licensure, training course approval provisions, and responsibilities of licensed persons. These three Subparts apply to asbestos abatement project activities in commercial and public buildings and schools, except as noted in specific Sections.
- b) Subpart D of this Part contains notification requirements and work practices and controls applicable to asbestos abatement project activities performed in commercial and public buildings, except as specified in Subpart D, in accordance with the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] and federal requirements.
- c) Subpart E and Appendices A and B contain requirements applicable to Local Educational Agencies, and planning and notification requirements, and work practices and controls applicable to asbestos abatement project activities performed in public and private schools, in accordance with the Asbestos Abatement Act [105 ILCS 105] and federal requirements.
- d) Subpart F contains provisions for the issuance of fines and penalties, procedures governing administrative hearings for violations of applicable laws or this Part, and provisions for stop work orders applicable to all asbestos abatement project activities performed in Illinois.

## Section 855.10 Incorporation by Reference-Federal Regulations and Other Standards

The following regulations and standards are incorporated in this Part:

- a) Regulations and guidelines of federal agencies:
  - 1) Occupational Safety and Health Administration, U.S. Department of Labor (OSHA), Occupational Safety and Health

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- Standards - Asbestos; 29 CFR 1910.1001 (July 1, 1997).
- 2) OSHA, Occupational Safety and Health Standards - Respiratory Protection; 29 CFR 1910.134 (July 1, 1997).
  - 3) Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants; 40 CFR 61 Subpart A (General Provisions) and Subpart M (National Emission Standards for Asbestos) (July 1, 1997).
  - 4) USEPA, Asbestos; 40 CFR 763 - 40 CFR 763 Final Rule Effective December 14, 1987.
  - 5) OSHA, Safety and Health Regulations for Construction - Asbestos; 29 CFR 1926.1101, Final Rule Effective October 11, 1994.
  - 6) USEPA, Asbestos; 40 CFR 763, Appendix C to Subpart E (Asbestos Model Accreditation Plan), revised April 4, 1994.
  - 7) Guidance for Controlling Asbestos-Containing Materials in Buildings, Appendix J, EPA Report No. 560/5-85-024 (1985).
  - 8) U.S. Environmental Protection Agency, Electron Microscope Measurement of Airborne Asbestos Concentrations, Report No. 600/2-77-178 (1978).
  - 9) U.S. Environmental Protection Agency, Methodology for the Measurement of Airborne Asbestos by Electron Microscopy, Contract No. 68-02-3266 (1984).
  - 10) National Institute of Occupational Safety and Health, Certified NIOSH Equipment List, Department of Health and Human Services Publication Number 92-101 (1991). Contract No. 68-02-3266 (1984).
- b) Standards of nationally recognized organizations:
- 1) National Electrical Code, 1993 Ed., National Fire Protection Association, Quincy, Mass. 02269.
  - 2) Compressed Gas Association Commodity Specification, G-7.1 (1966).
  - 3) American National Standard Practices for Respiratory Protection, ANSI Z88.2 (1980).
  - 4) American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2 (1991).
  - 5) National Institute of Occupational Safety and Health, Manual of Analytical Methods (Method 7400 - 1984).
- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- d) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.

## Section 855.20 Definitions

"Abatement" means removal, encapsulation, enclosure and repair of asbestos-containing building materials.

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- "Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.
- "AHERA" means the Federal Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.
- "Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time.
- "Air Sampling Professional" means the professional contracted or employed by the building owner to conduct air sampling.
- "Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least three feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.
- "Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.
- "ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.
- "Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location.
- "Asbestos" means the *abestiform* varieties of *chrysotile*, *amosite*, *crocidolite*, *tremolite*, *anthrophyllite*, and *actinolite*. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)
- "Asbestos Abatement Contractor" means any entity that provides removal, enclosure, or encapsulation, or disposal of asbestos containing materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)
- "Asbestos Containing Building Materials" or "ACBM" means surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

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"Asbestos Inspector" means an individual licensed by the Department to perform inspections of schools or commercial or public buildings for the presence of asbestos containing materials. (Section 3(w) of the Asbestos Abatement Act)

"Asbestos Materials" means any material or product that contains more than 1% asbestos. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Supervisor" means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos-Containing Waste Material" means asbestos-containing material or asbestos-contaminated objects requiring disposal pursuant to Section 855.475.

"Asbestos Professional" means an individual who is licensed by the Department to perform duties of contractor, inspector, management planner, project designer, project manager, project supervisor, or air sampling professional, as applicable.

"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Authorized Visitor" means the building owner, or a person designated by the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Background Level Monitoring" means a method used to determine airborne fiber concentrations inside and outside the work area prior to starting an asbestos abatement project.

"Building Owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the building owner means the person in whom beneficial title is vested.

"Certified Industrial Hygienist (C.I.H.\*)" means an industrial

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hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room which is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Commercial or Public Building" means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Contained Area" means an enclosed work area in a building where negative air pressure and HEPA filtration are used to contain airborne asbestos fibers during removal, enclosure or encapsulation of ACBM during an asbestos abatement project.

"Critical Barrier" means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.

"Curtained Doorway" means a device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from each other by air locks, used for the decontamination of workers, materials and equipment.

"Department" or "IDPH" means the Illinois Department of Public Health.

"Designated Person" means a person designated by the local education



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agency to ensure that the management plan has been properly implemented.

"Emergency Abatement Operations" means an asbestos abatement operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or is necessary to protect equipment from damage. This includes operations necessitated by nonroutine failure of equipment.

"Encapsulant (sealant)" means a liquid material which can be applied to asbestos-containing building material and which temporarily controls the possible release of asbestos fibers from the material, either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant). (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Enclosure" means the construction of airtight, impervious, permanent walls and ceilings between the asbestos containing material and the educational facility or building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Department that prevents the release of asbestos. (Section 3(k) of the Asbestos Abatement Act)

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a wash room and a holding area.

"Equipment Room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area which cannot be removed from the work area.

"Friable" when referring to material in a school building or a commercial or public building means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it

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may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable asbestos-containing materials which will be subjected to sanding, grinding, cutting, abrading, drilling, chipping, pulverizing, or other procedures likely to reduce these materials to a powder or cause asbestos fibers to become airborne. (Section 3(g) of the Asbestos Abatement Act)

"Glovebag" means a manufactured device consisting of a plastic bag (constructed of six-mil transparent plastic or equivalent), two inward-projecting long-sleeve rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"Glovebag Technique" means a method for removing friable asbestos-containing building material from heating, ventilation, air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces.

"HEPA" means high efficiency particulate air.

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers in mass median aerodynamic equivalent diameter, with an efficiency designation of 100 under NIOSH, 42 CFR 84, Respiratory Protective Devices.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means an area in the equipment decontamination enclosure located between the wash room and an uncontaminated area.

"Homogeneous Area" means a substance that is uniform in structure and composition throughout which comprises a unique sample area (e.g., boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area).

"Industrial Building" means those portions of a building (such as a factory or warehouse) primarily used in manufacturing or technically productive enterprises, not generally or typically accessible to persons other than workers, and used primarily in the production of power, the manufacture of products, the mining of raw materials, and/or the storage of such products or raw materials.

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"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Local Educational Agency" or "LEA" means:

*Any local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381).*

*The owner of any nonpublic, nonprofit elementary or secondary school building.*

*The governing authority of any school operated under the Defense Dependents' Education System provided for under the Defense Department's Education Act of 1978 (20 USC 921, et seq.). (Section 3(d)(1), (2), and (3) of the Asbestos Abatement Act)*

"Management Plan" means a plan developed for a local educational agency for the management of asbestos in its school buildings pursuant to the federal Asbestos Hazard Emergency Response Act of 1986 [15 USC Section 2601 et seq.] and the regulations promulgated thereunder. (Section 3(t) of the Asbestos Abatement Act)

"Management Planner" means an individual licensed by the Department to prepare management plans. (Section 3(u) of the Asbestos Abatement Act)

"Mini-Containment Area" means a contained area in which glovebag procedures are conducted.

"Movable Object" means a unit of equipment or furniture in the work area which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

"NIOSH" means the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC) - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.

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"Nonfriable" means material in a school building or commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure. (Section 3(s) of the Asbestos Abatement Act)

"Operations and Maintenance" means a program of work practices to maintain friable and nonfriable ACBM in good condition, ensure clean up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.

"Outside Air" means the air outside the work area.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, asbestos professional, asbestos worker, public school district, private school or any other entity.

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001 and 1926.1101).

"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics (as permitted by the Department through a variance request).

"Project" means removal, encapsulation, enclosure or repair of more than three linear feet or three square feet of asbestos-containing building materials.

"Project Activities" means activities taking place when the contractor or a designee and the contractor's supplies and equipment for asbestos abatement are present at the abatement site.

"Project Design" means the preparation of documents relating to the asbestos project, which may include but are not limited to, plans, drawings and specifications that recommend or establish the scope of work, standards of workmanship, equipment specifications or utilization, construction standards or specifications, alternative response action courses of action, and/or response action health and safety controls.

"Project Designer" means an individual licensed by the Department to design response actions for school buildings or commercial or public



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buildings. (Section 3(v) of the Asbestos Abatement Act)

"Project Manager" means an individual licensed by the Department and designated as the building owner's representative, who is responsible for overseeing asbestos abatement project activities.

"Remote Decontamination Enclosure System" means a decontamination enclosure system which is not connected to the contained area.

"Removal" means the intentional detachment of any asbestos-containing building materials from surfaces or components of a building or taking out building components.

"Repair" means rewrapping or taping damaged pipe and boiler insulation and patching of surface materials.

"Response Action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACM. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Response Action Contractor" means any entity that engages in response action services for any school or commercial or public building. (Section 3(i) of the Asbestos Abatement Act)

"Response Action Services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos-containing building materials, inspection of public or commercial buildings or school buildings, and inspection of asbestos-containing building materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos-containing building material comprising less than three square feet, or less than three linear feet of asbestos-containing insulation on pipes or other friable asbestos-containing building material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"School" means any school district or public, private or nonpublic day or residential educational institution that provides elementary or secondary education for grade 12 or under. (Section 3(c) of the Asbestos Abatement Act)

"School Board" means the corporate body established by law to govern the school district.

"School Building" means:

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Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.

Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.

Any other facility used for the instruction or housing of students or for the administration of educational or research programs.

Any maintenance, storage, or utility facility, including any hallway essential to the operation of any facility described in this definition of "school building" under the preceding three paragraphs.

Any portico or covered exterior hallway or walkway.

Any exterior portion of a mechanical system used to condition interior space. (Section (q)(1) through (6) of the Asbestos Abatement Act)

"School Personnel" means any employee of a school. (Section 3(o) of the Asbestos Abatement Act)

"Shall" means the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Shut Down and Lock Out Power" means to switch off all electrical circuit breakers serving power or lighting circuits which run to, or through, the contained area. Label circuit breakers with tape over the breakers with the notation "DANGER, circuit being worked on". Lock the electrical door or panel with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other person shall have keyed access to the electrical power in the contained area.

"Staging Area" means the area near the equipment decontamination enclosure designated for temporary storage of containerized waste prior to removal from the work area.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting



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member, such as ceilings and nonload-supporting walls.

"Student" means any student enrolled in a school. (Section 3(p) of the Asbestos Abatement Act)

"Surfactant" means a chemical wetting agent that, when added to water, will improve penetration and reduce fiber release.

"USEPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Wash Room" means a room between the contained area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal or removal from the work area.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water, and by afterward disposing of these cleaning tools as asbestos contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted.

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other by airlocks and curtained doorways.

#### Section 855.25 Alternative Procedures and Variances

- a) A variance may be requested by submitting a written proposal to the Department a minimum of 20 days before the commencement of work. The written proposal shall include a detailed description of the procedure(s) to be used in lieu of the requirements of this Part. The capability of the alternative procedure(s) to provide an orderly, efficient, and safe abatement which ensures protection equivalent to that provided by this Part or to otherwise satisfy the intent of this Part shall be the basis for approval or denial of the variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 20 days after receipt of the request. The project manager shall keep the approved variance available at the work site at all times.

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- b) Variances on abatement project activities shall be issued on a per project basis. Variance requests shall bear the signature of the licensed project designer. Variances shall be valid for 180 days from the date of issuance.

- c) A completed Request for Variance Cover Sheet form provided by the Department shall be submitted with each variance request.

## SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

#### Section 855.100 License Requirements

- a) Subpart B applies to licensing of asbestos workers, supervisors, inspectors, management planners, project designers, project managers and air sampling professionals. Section 20(b) of the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207/20(b)] requires only contractors, workers, supervisors, inspectors and project designers to be licensed by the Department to perform project activities in commercial and public buildings. Licensure is required for persons performing project activities in excess of 3 square feet or 3 linear feet, as required by Section 35 of the Commercial and Public Building Asbestos Abatement Act. Employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the Illinois Environmental Protection Agency are exempt from licensure fees when licenses are used only for purposes related to their agency employment.

- b) Asbestos worker licenses expire on February 1 of each year, except that licenses issued after October 31 shall expire one year after the next February 1. Asbestos project supervisor, inspector, management planner, project designer, project manager and air sampling professional licenses expire on May 15 of each year except that licenses issued after January 15 shall expire one year after the next May 15. License applicants shall:
  - 1) Be at least 18 years of age.
  - 2) Submit a completed and signed application form provided by the Department. Address changes shall be submitted in writing.
  - 3) Submit two 1" X 1" photographs (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, current, and color pictures of the applicant with the name printed on the back.
  - 4) Meet the certificate accreditation requirements of subsection (j) of this Section.
  - 5) Meet the specific requirements for licensure contained in subsections (c) through (i), as relevant.

- c) License requirements for an asbestos worker.
  - 1) Submit a \$25 application fee.
  - 2) Successfully complete a Department accredited asbestos worker initial training course or IDPH accredited initial contractor/supervisor training course. If the initial course

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certificate has expired, the applicant shall successfully complete the same type (worker or contractor/supervisor) of IDPH accredited refresher course as the initial course.

d) License requirements for an asbestos supervisor.

- 1) Submit a \$75 application fee.
- 2) Submit written verification of a minimum of 2,080 hours experience as a licensed asbestos worker.
- 3) Successfully complete a Department accredited contractor/supervisor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department accredited contractor/supervisor refresher course.

e) License requirements for an asbestos inspector.

- 1) Submit a \$50 application fee.
- 2) Submit written verification of a minimum of 1,040 hours of experience inspecting buildings for asbestos-containing building materials, or a minimum of 3,120 hours of experience in direct planning of construction projects and/or construction project inspection.

3) Successfully complete a Department accredited inspector initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department accredited inspector refresher course.

f) License requirements for an asbestos management planner.

- 1) Submit a \$50 application fee.
- 2) Successfully complete IDPH accredited inspector and management planner initial training courses. If the initial course certificates have expired, the applicant shall successfully complete IDPH accredited inspector and management planner refresher courses.

3) Submit a current copy of either an Illinois Architect License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License; or

4) Submit a copy of a transcript and evidence of completion of a Bachelor's Degree or higher in architecture, engineering, mathematics or science, and meet the experience requirements of a licensed inspector; or

5) Submit a copy of a transcript and evidence of completion of a Bachelor's Degree and written verification of 2,080 hours of experience in asbestos inspections, project management, project design or other asbestos management and control activities.

g) License requirements for an asbestos project designer.

- 1) Submit a \$50 application fee.
- 2) Submit a current copy of either an Illinois Architect License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License.
- 3) Successfully complete a Department accredited initial project designer training course. If the initial course certificate has

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expired, the applicant shall successfully complete a Department accredited project designer refresher course.

h) License requirements for an asbestos project manager.

- 1) Submit a \$50 application fee.
- 2) Submit written verification of 2,080 hours of on-site work experience in building construction projects or 520 hours of on-site work experience assisting a licensed project manager on asbestos abatement projects.

3) Successfully complete a Department accredited contractor/supervisor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department accredited contractor/supervisor refresher course.

i) License requirements for an asbestos air sampling professional.

- 1) Submit a \$50 application fee.
- 2) Submit a certificate of successful completion of the NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.

3) Submit a copy of a transcript and evidence of obtaining a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours on-site experience in general indoor air pollution sampling; or a copy of an Illinois Industrial Hygienist License; or written verification of 2080 hours on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.

j) Certificate accreditation requirements.

All applicants for licensure shall successfully complete a training course accredited by the Illinois Department of Public Health. Licensees are required to maintain current accreditation in the discipline for which they are licensed. If the accreditation expires, the license shall automatically expire concurrently therewith and without notice. In order for the current license to be reinstated, the applicant shall successfully complete a Department accredited refresher course. Updates of refresher courses will be made electronically to the licensee's file through information from class lists submitted to the Department by the IDPH accredited training course providers. Certificates of training from Illinois accredited training course providers for renewal applicants do not need to be submitted to the Department unless specifically requested by the Department. A refresher course shall be completed annually. If a course certificate has been expired for more than one year from the expiration date, the applicant shall retake a Department accredited initial training course. It is the licensee's responsibility to keep the course certificates current and maintain copies of all certificates for their use. The Department shall verify, within 30 days, the successful completion of a Department accredited training course by the license applicant with the IDPH accredited training



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k) course provider before the license is issued.  
Renewal of licenses.

- 1) All renewal applicants shall submit a completed and signed renewal application form provided by the Department and two 1" X 1" photographs (head and shoulders only). The photographs shall be original, clear, current, and color pictures of the applicant with the name printed on the back.
  - 2) All renewal applicants shall have successfully completed a current refresher course in the same discipline as their initial course and meet the requirements of subsection (j) of this Section.
  - 3) An asbestos worker renewal applicant shall submit a \$25 renewal application fee. If a renewal application fee is received after December 31, the applicant shall pay a late fee of \$15 in addition to the renewal fee of \$25.
  - 4) An asbestos supervisor renewal applicant shall submit a \$75 renewal application fee. If the renewal application is received after April 15, the applicant shall pay a \$15 late fee in addition to the renewal fee of \$75.
  - 5) A renewal applicant for asbestos inspector, management planner, project designer, project manager or air sampling professional licenses shall submit a \$50 renewal application fee per license discipline. If a renewal application fee is received after April 15, the applicant shall pay a \$15 late fee for each discipline in addition to the \$50 renewal fee for each discipline.
  - 6) If a management planner, project designer or air sampling professional is initially licensed with an Illinois Architectural License, an Illinois Professional Engineer's License, an Illinois Structural Engineer's License, or an Illinois Industrial Hygienist's License, the applicant shall submit a current copy of such license.
  - 7) If a project designer initially qualified for licensure with an Industrial Hygienist Certificate, the licensee shall submit a current Illinois Industrial Hygienist License.
- 1) Reinstatement of licenses. An applicant whose license has been expired for more than one year may apply to the Department for reinstatement. The applicant shall:
- 1) Submit a completed and signed application form provided by the Department.
  - 2) Submit two 1" X 1" photographs of the applicant (head and shoulders only). The photographs shall be original, clear, current and color pictures with the name printed on the back.
  - 3) Meet the accreditation requirements of subsection (j) of this Section.
  - 4) Asbestos workers shall submit an initial application fee of \$25 plus a reinstatement fee of \$50. Supervisors shall submit an initial application fee of \$75 plus a reinstatement fee of \$150. Inspectors, management planners, project designers, project

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managers, and air sampling professionals shall submit an initial application fee of \$50 plus a reinstatement fee of \$100 per type of license.

- m) Duplicate license requirements. The applicant shall submit a written request for a duplicate license, a \$15 fee, and a 1" X 1" photograph of the applicant. The photograph shall be an original, clear, current and color picture with the name printed on the back. A duplicate license will not be issued if the IDPH accredited training course certificate has expired.
- n) Reciprocity. Out of state residents applying for initial licensure in Illinois may receive reciprocity by submitting USEPA or other state accredited initial training course certificates and meeting the license requirements of this Section. If the initial course certificates are expired, the applicant shall also submit refresher course certificates for all preceding years. Reciprocity of Architectural and Engineering licenses are under the jurisdiction of the Illinois Department of Professional Regulation.
- o) While conducting asbestos work which requires a license, the current course certificate and the license original shall be in the person's possession at the work site. (A clear copy of the certificate may be substituted for the original certificate, but the license shall not be a copy.)

## Section 855.110 Contractor Licensing

- a) The Department shall prepare and maintain a list of licensed asbestos abatement contractors. The list shall be made available upon request to all school boards or building owners and shall be used to select an asbestos abatement contractor. The contractor shall possess the qualifications detailed in subsection (b).
- b) In order to qualify as a licensed asbestos abatement contractor, a company shall submit the following information to the Department:
  - 1) A completed application provided by the Department accompanied by a \$250 nonrefundable fee for the initial review.
  - 2) A certificate documenting that the contractor carries liability insurance from a company with at least an "A" rating according by A.M. Best & Co., self insurance, group insurance, or group self insurance in an amount of at least \$1,000,000 (first dollar coverage) for work performed pursuant to the Act and this Part. Each asbestos abatement contractor shall maintain on file with the Department a current certificate of financial responsibility throughout the entire length of time the contractor's name appears on the Department's list of approved contractors. An asbestos abatement contractor shall notify the Department of any change in the status of the certificate that has been filed including expiration, renewal, cancellation, or alteration of the terms by endorsement of the certificate [225 ILCS 207/45]. The certificate documenting evidence of insurance shall be the



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original and shall state that the insurance covers asbestos abatement. The certificate shall be issued by an insurance company that is authorized to do business in Illinois. The certificate shall be submitted to the Department within 48 hours after the expiration date of the certificate on file. If the Department does not receive the above mentioned certificate documenting evidence of insurance, the asbestos abatement contractor will be subject to suspension of his/her license until an acceptable certificate is received.

- 3) A copy of the designated supervisor's valid IDPH asbestos supervisor's license.
- 4) Evidence that IDPH licensed asbestos workers will be employed on all asbestos abatement projects as required by Section 855.100.
- 5) A list of prior contracts for asbestos abatement projects, including dates and the names, addresses, and telephone numbers of building owners for whom the projects were performed. A contractor shall have a minimum of one year of experience in asbestos abatement contracting. An applicant is also eligible to qualify for a license if employer references demonstrate a minimum of one year of experience in asbestos abatement project supervision, or shall employ a supervisor with a minimum of one year of experience in asbestos abatement project supervision. Evidence of experience must accompany the application.
- 6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with 29 CFR 1910.1001(d). This evidence shall include clearance air monitoring results from 10 different contracted asbestos abatement projects. Evidence of air monitoring data must have the name of the company that analyzed the final air monitoring results. All final results shall be below .01 fibers/cubic centimeter (f/cc). If an applicant employs a supervisor with a year of experience of asbestos removal supervision, the air monitoring results shall be from projects that the licensed supervisor has supervised.
- 7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.1001.
- 8) A description of any asbestos abatement projects which were prematurely terminated or not completed, including the circumstances surrounding termination, or a signed statement that there were no such projects.
- 9) A list of any contractual penalties which the contractor has paid for breach or noncompliance with contract specifications, such as overruns of completion time or liquidated damages, or a signed statement that there were no such penalties.
- 10) Copies of any and all citations levied against the contractor or any of his/her past or present employees or companies by any

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federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date(s), and a description of how the allegations were resolved, or a signed statement that there were no such citations.

- 11) A description detailing all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his/her past or present employees or companies for asbestos-related activities, or a signed statement that there was no such legal action.
- 12) The contractor shall identify whether it is a sole proprietorship, partnership or corporation and identify its agent and mailing address for service of process by the Department. Additionally, if applicable, the contractor shall provide the following information to the Department:
  - A) Partnerships:
    - i) If the contractor is a partnership it shall identify the general and limited partners by name, together with their addresses and percentage of ownership interest.
    - ii) If the contractor is a limited liability partnership pursuant to the provisions of Section 8.1 of the Uniform Partnership Act [805 ILCS 205/8.1], it shall file annually with the Department a copy of the application, or renewal application, required to be filed with the Illinois Secretary of State.
  - B) Corporation: If the contractor is a corporation, either foreign or domestic, it shall file with the Department a copy of its articles of incorporation which shall include all information required by Section 2.10 of the Business Corporation Act of 1983 [805 ILCS 5/2.10] and annually thereafter a copy of the annual report which is required to be filed with the Illinois Secretary of State pursuant to Section 14.05 of the Business Corporation Act of 1983 [805 ILCS 5/14.05].
- C) All licenses shall expire on May 15 of each year except licenses issued after January 15 shall expire one year after the next May 15. The fee for the issuance of a duplicate license shall be \$15.
- D) Successful applicants shall be notified to submit to the Department an additional \$500 fee for a license and for inclusion on the list of IDPH licensed contractors.
- E) Renewal of license. Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and the \$500 renewal fee. A current original certificate documenting evidence of insurance shall be filed with the Department before the license is issued. The designated supervisor listed on the renewal application shall be a currently licensed IDPH supervisor. If a renewal application is received after

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April 15, the applicant shall pay a late fee of \$100 in addition to the renewal fee of \$500.

f) Reinstatement of License. An applicant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department shall reinstate the license provided the applicant submits:

- 1) A completed application form provided by the Department.
- 2) A current certificate of financial responsibility meeting the requirements of subsection (b)(2).
- 3) A copy of the designated supervisor's current IDPH supervisor license.
- 4) The renewal fee of \$500 plus a reinstatement fee of \$500 for the first year and \$1,000 for more than two years and less than five years. If a contractor license has been expired for more than five years, the contractor shall reapply and follow the criteria of subsection (b).
- g) Suspension or Revocation of License/Denial of Application. The Department shall provide written notice, via certified mail, of its decision to deny, suspend or revoke a contractor's license. The applicant or licensee shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision to suspend or revoke a license or deny an application shall be based upon any of the reasons provided in subsections (g)(1) through (g)(5) below:
  - 1) Conviction, of a felony or two or more misdemeanors involving fraudulent activities, or of violations of laws relating to construction or the building trades in general, in the last five years:
    - A) of the contractor; or
    - B) if the contractor is a firm, partnership, or association, of any of its members; or
    - C) if a corporation, of any of its officers or directors; or
    - D) of any person designated to manage or supervise the asbestos abatement activities.
  - 2) The licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, that indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health:
    - A) of the contractor; or
    - B) if the applicant is a firm, partnership, or association, of any of its members; or
    - C) if a corporation, of any of its officers or directors; or
    - D) of any person designated to manage or supervise the asbestos abatement activities.
  - 3) The contractor has failed to complete an asbestos abatement project due to insufficient financial resources.
  - 4) Violation of any provision of the Asbestos Abatement Act or the

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Commercial and Public Building Asbestos Abatement Act, or of any provision of this Part.

5) Submission of fraudulent documentation to the Department or to a building owner or representative or agent thereof.

## Section 855.120 Training Course Approval and Accreditation

In accordance with Section 10a of the Asbestos Abatement Act and Section 35 of the Commercial and Public Building Asbestos Abatement Act, the following are minimum standards of course curricula for approval of training course providers to conduct worker, contractor/supervisor, inspector, management planner and project designer accredited courses.

a) The Department shall develop a list of all Illinois approved training course providers and the courses they are accredited to teach and make this list available upon request.

b) Any educational institution or other person may apply for accreditation of an initial or refresher training course by submitting the following for each type of training course for which accreditation by the Department is sought.

- 1) A completed application form provided by the Department.
- 2) A \$500 application fee per each type of course for which the provider is seeking accreditation. A check or money order must be made payable to the Illinois Department of Public Health.
- 3) A list of other states that currently approve the training course, if any.
- 4) A copy of USEPA or state approval letter(s). (Required for training courses previously approved by USEPA or other states.)
- 5) A description of the course.
- 6) A detailed outline of the course curriculum and the amount of time allotted to each topic.
- 7) A description of the teaching methods to be used to present each topic (i.e., lectures, discussions, demonstrations and audio-visual materials).
- 8) A copy of course materials, student manuals, instructor manuals, and any handouts that cover the information specified in subsection (c).
- 9) A copy of the examination and answer key as required in subsection (g).
- 10) A list of instructors and a completed instructor's application for each instructor as required in subsection (j).
- 11) A copy of the course certificate as required in subsection (f).
- 12) A statement of the length of training, in days.
- 13) A description of the type of hands-on training and an inventory of the facilities and equipment used in the hands-on training.

c) Training requirements for each of the licensed disciplines are outlined below:

- 1) Worker Course. The four-day worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training,



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individual respirator fit testing, course review, and a closed-book written examination. Hands-on training must permit workers to have actual experience performing tasks associated with asbestos abatement. The asbestos worker training course shall adequately address the following topics:

- A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options.
- B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.
- C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.
- D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.
- E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure.
- F) Additional safety hazards. Hazards encountered during

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abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

- G) Medical monitoring. OSHA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134.
- H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
- I) Relevant federal, State, and local regulatory requirements, procedures, and standards, with particular attention directed at relevant USEPA, OSHA, and State regulations concerning asbestos abatement workers.
- J) Establishment of respiratory protection programs.
- K) Course review. A review of key aspects of the training course.
- 2) Contractor/Supervisor Course. The five-day contractor/supervisor training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement. The contractor/supervisor training course shall adequately address the following topics:
  - A) Physical characteristics of asbestos and ACM. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.
  - B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergism between cigarette smoking and asbestos exposure; and latency periods for diseases.
  - C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of



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non-disposable clothing; and regulations covering personal protective equipment.

- D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; and proper clean-up and disposal procedures, work practices for removal, encapsulation, enclosure, and repair of ACBM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices. New abatement-related techniques and methodologies may be discussed.

- E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.

- F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

- G) Medical monitoring. OSHA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134.

- H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples and interpretation of results.

- I) Relevant federal, State, and local regulatory requirements, procedures, and standards, including this Part and the following:

- i) Requirements of Toxic Substance Control Act (TSCA) Title II.
- ii) National Emission Standards for Hazardous Air Pollutants (40 CFR 61), Subparts A (General Provisions) and M (National Emission Standards for Asbestos).
- iii) Occupational Safety and Health Administration (OSHA) standards for permissible exposure to airborne

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concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134).

- iv) OSHA Asbestos Construction Standard (29 CFR 1926.1101).
- v) USEPA Worker Protection Rule (40 CFR 763, Subpart G).
- vi) Illinois Asbestos Abatement Act.
- vii) Illinois Commercial and Public Building Asbestos Abatement Act.
- viii) 40 CFR 763, Appendix C to Subpart E, revised April 4, 1994.
- J) Respiratory protection programs and medical monitoring programs.
- K) Insurance and liability issues. Contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.
- L) Recordkeeping for asbestos abatement projects. Records required by federal, State, and local regulations; records recommended for legal and insurance purposes.
- M) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
- N) Contract specifications. Discussions of key elements that are included in contract specifications.
- O) Course review. A review of key aspects of the training course.

- 3) Inspector Course. The three-day inspector training course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing. The inspector training course shall adequately address the following topics:

- A) Background information on asbestos. Identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.
- B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.
- C) Functions/qualifications and role of inspectors. Discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of

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an accredited management planner; discussion of the inspection process including inventory of ACM and physical assessment.

- D) Legal liabilities and defenses. Responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims-made, and occurrence policies; environmental and pollution liability policy clauses; State liability insurance requirements; bonding and the relationship of insurance availability to bond availability.

- E) Understanding building systems. The interrelationship between building systems, including: an overview of common building physical plant layout; heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-built drawings.

- F) Public/employee/building occupant relations. Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and education of building occupants about actions being taken.

- G) Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; the role of the inspector in exclusions for previously performed inspections.

- H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM. Procedures to follow in conducting visual inspections for friable and nonfriable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factors.

- I) Bulk sampling/documentation of asbestos. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a October 1985)";

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techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; inspector's sampling and repair of equipment; patching or repair of damage from sampling; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures.

- J) Inspector respiratory protection and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; protection factors that alter respiratory fit (e.g., facial use, storage, and handling of non-disposable clothing).

- K) Recordkeeping and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; information required for inclusion in the management plan required for school buildings under TSCA Title II, Section 203(i)(1).

- L) Regulatory review. This Part and the following topics should be covered:

- i) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR 61, Subparts A and M);
- ii) USEPA Worker Protection Rule (40 CFR 763, Subpart G);
- iii) OSHA Asbestos Construction Standard (29 CFR 1926.1101);
- iv) OSHA Respirator Requirements (29 CFR 1910.134);
- v) The Friable Asbestos in Schools Rule (40 CFR 763, Subpart F);
- vi) Illinois Asbestos Abatement Act;
- vii) Illinois Commercial and Public Building Asbestos Abatement Act;
- viii) USEPA, Asbestos Model Accreditation Plan, 40 CFR 763, Appendix C to Subpart E, effective April 4, 1994.

- M) Field trip. This includes a field exercise, including a walk-through inspection; on-site discussion about information gathering and the determination of sampling locations; on-site practice in physical assessment; Classroom discussion of field exercise.

- N) Course review. A review of key aspects of the training

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## course.

- 4) Management Planner Course. The two-day management planner training course shall include lectures, demonstrations, course review, and a closed-book written examination. The management planner training course shall adequately address the following topics:

- A) Course overview. The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; protection of building occupants, key elements of a management plan.
- B) Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in Section 203 (i)(1) of TSCA Title II; interpretation of field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey.
- C) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
- D) Legal implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair and removal; use of results from previously performed inspections.
- E) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.
- F) Role of other professionals. Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications.
- G) Developing an operations and maintenance (O & M) plan. Purpose of the plan; discussion of applicable USEPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and HEPA vacuuming; reducing disturbance of ACM; scheduling O & M for off-hours; rescheduling or canceling renovation in areas

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with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM-bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps, fiber mesh cloth; ACM floor tile and mastic, mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O & M plan (development, implementation process, and problems that have been experienced).

- H) Regulatory review. The following topics should be covered:
  - i) OSHA Asbestos Construction Standard found at 29 CFR 1926.1101;
  - ii) National Emission Standard for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
  - iii) USEPA Worker Protection Rule found at 40 CFR 763, Subpart G; TSCA Title II.
- I) Recordkeeping for the management planner. Use of field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; procedures for recordkeeping.
- J) Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II Section 203(i)(1); the management plan as a planning tool.
- K) Financing abatement actions. Economic analysis and cost estimates; the development of cost estimates; present costs of abatement versus future operation and maintenance costs; Asbestos School Hazard Abatement Act grants and loans.
- L) Course review. A review of key aspects of the training course.
  - 5) Project Designer Course. The project designer three-day training course shall include lectures, demonstrations, a field trip, course review and a closed-book written examination. The abatement project designer training course shall address the following topics:
    - A) Background information on asbestos. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.
    - B) Potential health effects related to asbestos exposure. Nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs.
    - C) Overview of abatement construction projects. Abatement as a



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portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101).

- D) Safety system design specifications. Design, construction, and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove bag use.
- E) Field trip. A visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection and a discussion of rationale for the concept of functional spaces during the walk-through.
- F) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing.
- G) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards.
- H) Fiber aerodynamics and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
- I) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation, operation and maintenance and repair methods; asbestos waste disposal.
- J) Final clearance process. Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air

clearance.

K) Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs.

L) Writing abatement specifications. Preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications for a particular building; worker and building occupant health/medical considerations; replacement of ACM with non-asbestos substitutes.

M) Preparing abatement drawings. Significance and need for drawings, use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings.

N) Contract preparation and administration.

O) Legal liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; claims made versus occurrence policies.

P) Replacement. Replacement of asbestos with asbestos-free substitutes.

Q) Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design.

R) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.

S) Relevant federal, State, and local regulatory requirements, procedures and standards, including but not limited to this Part and the following:

- i) Requirements of TSCA, Title II.
- ii) National Emission Standards for Hazardous Air Pollutants (40 CFR 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos).
- iii) OSHA Respirator Standard found at 29 CFR 1910.134.
- iv) US EPA Worker Protection Rule found at 40 CFR 763, Subpart G.
- v) OSHA Asbestos Construction Standard found at 29 CFR 1926.1101.
- vi) OSHA Hazard Communication Standard found at 29 CFR 1926.59.

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- vii) Illinois Asbestos Abatement Act.
- viii) Illinois Commercial and Public Building Asbestos Abatement Act.
- ix) 40 CFR 763, Appendix C to Subpart E, revised April 4, 1994.

T) Course review. A review of key aspects of the training course.

d) Any proposed alterations to an approved training course, such as course materials, instructors, or examinations shall be submitted to the Department for review and approval prior to implementation.

e) Each accredited discipline and training curriculum is separate and distinct from the others. A person may not attend two or more courses concurrently.

f) Each person who successfully completes an accredited training course shall be issued a certificate containing the following required information:

- 1) A unique certificate number.
- 2) Name of accredited person.
- 3) The type of training course (worker, contractor/supervisor, inspector, management planner, project designer) and whether the course is initial or refresher.
- 4) The complete name, address, and telephone number of the training course provider that issued the certificate.
- 5) The dates of the training course.
- 6) The expiration date of one year after the date upon which the person successfully completed the course and examination.
- 7) The examination date.
- 8) A statement that the training course is accredited by the Illinois Department of Public Health.
- 9) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II.
- 10) The location of the course if different from the training course provider's address.
- 11) The language in which the course was taught, if other than English.

g) Examinations.

- 1) A closed-book examination shall be given at the completion of an initial or refresher training course. The examination shall cover the topics included in the training course for that discipline.
- 2) A person shall pass the examination with a score of at least 70% in order to receive accreditation.
- 3) Students shall be allowed to retake the examination twice in a two week time period following the date of the initial failure. After three successive failures, the student shall retake the full course before being allowed to retest.
- 4) The following are the minimum requirements for the number of

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examination questions in each discipline (all questions shall be multiple-choice):

- A) Worker Initial - 50
- B) Worker Refresher - 25
- C) Contractor/Supervisor Initial - 100
- D) Contractor/Supervisor Refresher - 50
- E) Inspector - 50
- F) Inspector Refresher - 25
- G) Management Planner - 50
- H) Management Planner Refresher - 25
- I) Project Designer - 100
- J) Project Designer Refresher - 50

h) Continuing Education.

1) Annual refresher training is required for all disciplines as indicated below:

- A) Workers: One full day of refresher training.
- B) Contractor/Supervisors: One full day of refresher training.
- C) Inspectors: One half-day of refresher training.
- D) Management Planners: One half-day of inspector refresher training and one half-day of refresher training for management planners.

E) Project Designers: One full day of refresher training.

2) The refresher courses shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not be combined with any other training during the period of the refresher course.

3) For each discipline, the refresher course shall review and discuss changes in federal, State, and local regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course. After successfully completing the annual refresher course, persons shall have their accreditation extended for an additional year from the date of the refresher course. An annual refresher exam is required (see subsection (g) of this Section).

4) A 12-month grace period shall be allowed to enable formerly accredited persons with expired certificates to complete refresher training and have their accreditation status reinstated without being required to retake the initial training course. The 12-month grace period shall begin on the expiration date of the certificate (see Section 855.100 (j)).

5) The training provider shall verify that each student possesses valid accreditation before granting admission to the refresher course and that the refresher course is for the same discipline as the initial course. Valid accreditation means that the student's most recent accreditation has not been expired for a period more than 12 months from the expiration date.

i) Training Length.

- 1) One day of training shall equal eight hours, including two

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15-minute breaks and one hour for lunch. One half-day of training shall equal four hours including one 15-minute break.

2) Course providers may segment courses subject to the following restrictions:

- A) The total hours required for each discipline shall be completed within a single two-week timeframe.
- B) No more than eight hours of training shall be given per day.
- C) Evening instruction shall not exceed a maximum of four hours in any single session.

j) Instructors.

1) All individuals desiring to become training course instructors for those disciplines regulated under this Part must receive approval from the Department prior to teaching. The Department shall issue a "Letter of Approval" to qualified applicants. In order to qualify as an approved training course instructor, the applicant shall submit the following to the Department.

- A) A completed training course instructor application form provided by the Department.
- B) A certificate of successful completion of a US EPA or State approved course specific to the discipline for which he/she is applying to teach.

C) Written verification of a minimum of six months (1,040 hours) of experience (occupational and/or educational) related to the discipline of the course for which he/she is applying.

2) Training course providers shall submit to the Department all changes to their list of approved instructors and the courses which they teach.

3) An instructor shall not be permitted to submit a certificate of successful completion from a course he/she has instructed. In order for the certificate of accreditation to be valid and acceptable for licensure or approval as an instructor, the instructor shall successfully complete a course conducted by a company for which he/she is not employed.

k) All training providers shall comply with the following minimum recordkeeping requirements:

- 1) Training course materials. A training provider must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.
- 2) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by the Department. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.
- 3) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial or refresher training course has achieved a passing score on the

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examination. These records must indicate the date the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

4) Accreditation certificates. A training provider shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification of the required information by telephone.

5) Records retention and access.

- A) The training provider shall maintain all required records for a minimum of six years.
- B) The training provider shall, upon request, allow reasonable access by the Department to all of the records.

C) If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's asbestos training records.

l) Training course providers shall permit representatives of the Department to attend, evaluate, and monitor any training course without charge. The Department's compliance inspection staff are not required to give advance notice of their inspections.

m) The notification form provided by the Department shall be completed and submitted to the Department by the training course provider for each offering of an accredited training course. Notifications shall be received by the Department at least 10 working days prior to commencement of training. Any changes in the notification or instructors shall be submitted at least 48 hours before the course commencement.

n) The provider of an accredited training course shall submit to the Department a list of students who passed the exam using the class list form provided by the Department no later than 10 days after the last day of the training course. All requested information shall be provided and shall be legible.

o) Accreditation of initial and refresher training courses shall expire one year from the date of accreditation. For accreditation to be renewed, a renewal fee of \$500 must be received by the Department prior to the expiration of course accreditation. If a renewal fee is received after the expiration date, the provider shall pay in addition a late fee of \$100. Accreditation of a training course which has been expired for more than one year may only be restored by reapplying.

p) A training course may be offered in a language other than English. For courses to be presented in a language other than English, the



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following requirements shall be submitted:

- 1) All course materials shall be both in English and in the non-English language.
- 2) The training course provider shall provide written assurance that the translation is technically representative of the English version of the course materials submitted.
- 3) The course certificate shall be in English and specify the language in which the course was conducted.

- 4) Instructors shall be fluent in the language of the course being presented. The use of interpreters is not permitted.

q) If the Department finds that a training course provider or instructor is not in compliance with this Part, the Department may suspend, revoke, or deny accreditation of a course. The Department shall provide written notice of its decision. The training course provider shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. In addition, the Department may deny or revoke course accreditation or instructor approval for the following or similar reasons:

- 1) Misrepresentation of a training course's approval by the Department.
- 2) Falsification of accreditation records, instructor qualifications, or other accreditation information.
- 3) Conviction of a violation of the Consumer Fraud and Deceptive Business Practice Act [815 ILCS 505].
- 4) Conviction of a violation of any provisions of training course laws in any other state, or any laws or rules relating to asbestos training courses.
- 5) Fraudulent advertising or solicitations relating to asbestos training courses.
- 6) Failure to maintain approval of a course by USEPA or a state in accordance with 40 CFR 763, Appendix C to Subpart E, revised April 4, 1994.

## SUBPART C: RESPONSIBILITIES OF LICENSED PERSONNEL

## Section 855.140 Supervisor Responsibilities

- a) The supervisor shall be the contractor's designated representative who is licensed by the Department, and shall be responsible for carrying out the following activities:

- 1) Assist in decision-making regarding selection of procedures.
- 2) Review variance requests in accordance with Section 855.25.
- 3) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, and this Part.
- 4) Supervise project activities at all times. The supervisor must enter the contained area as part of supervision.

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- 5) Meet with the project manager daily to review work progress and solve problems or adjust procedures as appropriate.
- 6) Prior to and during project activities, the contractor, or his designee, is responsible for assuring that all employees of the contractor who are conducting project activities possess, on the job site, a valid original current license issued by the Department. A copy of the license is not acceptable for meeting this requirement.
- 7) The contractor, or his designee, shall make a copy of the original license and the copy shall be available at the project site.
- b) On school projects, one project supervisor per decontamination unit is required.

## Section 855.150 Project Designer Responsibilities

- a) The Department shall prepare and maintain a list of licensed project designers. The list shall be made available upon request and shall be used to select a project designer.

- 1) All school asbestos abatement projects shall be designed by a Department licensed project designer in accordance with the requirements of this Section.

- 2) If a commercial or public building project is designed, the design shall be completed by a Department licensed designer in accordance with the requirements of this Section.

- b) In accordance with 40 CFR 763, a licensed project designer shall design response actions for the LEA.

- c) The project designer shall plan the abatement project in accordance with all federal and State rules governing such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part) and the response action recommendations of the management plan, if a plan is utilized.

- 1) All such planning shall be undertaken in compliance with the relevant provisions of the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325], the Illinois Structural Engineering Act [225 ILCS 340] and the Illinois School Code [105 ILCS 5].

- 2) A licensed Industrial Hygienist who is a licensed project designer may act as an asbestos project designer when a project design only applies to interior alterations of surface materials in an existing building and does not result in life safety changes to the building or changes to the electrical, heating, air conditioning, physical plant or associated piping. Interior alterations of any public building which result in life safety or structural changes of the building are subject to the requirements of the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and must be performed under the direct supervision and control of an architect licensed under that Act.

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3) The project designer shall certify that the project design meets or exceeds all federal, State, and local regulations and codes. The project designer shall design or directly supervise preparation of the specifications and plans for each individual project. These contract documents shall include the designer's Department-issued license I.D. number and handwritten signature.

1) Project design documents shall contain the following information:

- A) General location of the project within the facility.
- B) Locations of mini-containments, if applicable.
- C) Location of barriers.
- D) Location of the worker decontamination enclosure system(s).
- E) Location of equipment decontamination enclosure system(s).
- F) Location where negative air machines are to exhaust.

2) Any and all changes to the design shall be verified by the project designer and shall bear his or her Department-issued license I.D. number and handwritten signature.

e) The abatement project designer shall be responsible for the design specifications and plans prepared by him or her in accordance with applicable laws and standard of care required of those providing professional services.

f) Prior to and during project activities in school buildings, the project designer shall submit to the Department any changes in the names and addresses of any project manager and air sampling professional.

**Section 855.160 Management Planner Responsibilities**

a) The Department shall prepare and maintain a list of licensed management planners. The list shall be made available to all school boards or building owners and shall be used to select a management planner.

b) In accordance with 40 CFR 763, a licensed management planner shall prepare and develop the asbestos management plan for a school building. This plan shall be prepared from the inspection report which contains the assessment done by the licensed inspector and the bulk sample analyses done by a USEPA approved laboratory. A licensed management planner shall review a report on a reinspection required by 40 CFR 763.85(b) and recommend appropriate response actions in the management plan.

**Section 855.170 Project Manager Responsibilities, Air Sampling Professional Responsibilities and Laboratory Services**

a) Project Manager

1) The project manager shall be licensed by the Department in accordance with Section 855.100. For asbestos abatement projects in schools, the project manager shall be the building owner's designated representative, and shall be responsible for carrying

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out the following activities:

A) Assist in the evaluation of bids and the selection of a contractor.

B) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act and this Part and contract document.

C) Be on-site whenever project activities are taking place.

D) Reject defective barriers and decontamination enclosure systems.

E) Meet with the contractor daily to review work progress, discuss problems and adjust procedures as appropriate.

F) Report on abatement activities to the building owner and/or school board.

G) Request, review and maintain contractor submission according to Sections 855.350 and 855.450.

H) Enter the abatement project at least once every two hours to observe ongoing removal of asbestos-containing material.

2) For every decontamination enclosure system, there shall be one project manager.

3) The project manager shall have the authority to stop any job activities not performed in accordance with contract specifications and any provisions of this Part. The building owner and Department shall be notified verbally by the project manager within 24 hours after a work stoppage. A written report shall be submitted to the building owner with a description of the activity, reason for stoppage and possible means for correcting the problem.

4) The project manager shall keep a daily log of onsite observations concerning the contractor's compliance with activities required under this Part. This log shall be legible and made available upon request at all times to the school board or building owner, the architect/engineer, contractor, and appropriate local, State and federal agencies.

5) For each asbestos abatement project, the project manager shall prepare a comprehensive final report. The report shall be submitted to the school board or building owner, the contractor, and the Department within 60 working days following completion of final clearance air monitoring. The report shall contain the following items submitted in the following order, with each item labeled:

- A) Project Manager's Report Form provided by the Department.
- B) Items submitted by the contractor under Section 855.350(a).
- C) For clearance air samples, the location of the sample, date of sample, start and end times of sampling, sampling air flow rate, volume of air sampled, name and address of laboratory performing the analysis, and name and signature of the analyst.
  - i) When final air clearance monitoring samples are



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analyzed by a laboratory using transmission electron microscopy (TEM), a copy of the National Voluntary Laboratory Accreditation Program (NVLAP) certificate for airborne asbestos fibers analysis for the laboratory.

ii) When final air clearance air monitoring samples are analyzed by Phase Contrast Microscopy (PCM) in a laboratory, a copy of Proficiency Analytical Testing (PAT) program year-to-date performance report for the laboratory. The year-to-date performance report should be for the testing round completed closest to the completion of the project, but prior to the completion of the project.

iii) When final air clearance air monitoring samples are analyzed by an analyst outside of a laboratory, a copy of the report of performance testing under the (Asbestos Analyst Report) AAR Program for the analyst for the testing round completed prior to the completion of the project, but not after the completion of the project.

D) Names, license numbers and current training certificates for asbestos abatement workers who conducted the abatement.

E) Name, address, and license number of asbestos abatement contractor.

F) Names, addresses, license numbers, and initial and current training certificates for the project designer, project manager, and contractor's supervisor(s), and signature of the project manager.

G) Name, signature, and license number of each air sampling professional.

H) Log of negative pressure measurements taken by the contractor for contained areas. The readable tape from the monometer shall serve as the log.

I) Variance requests submitted to the Department, and the Department's responses to those requests.

J) Locations, times and results of background, personal, and area air samples taken prior to and during the project.

K) A detailed description, diagram or blueprint indicating the location of ACM abated, locations of barriers, and locations of decontamination enclosures.

L) A detailed description of the project, including description of abatement methods employed, reasons for the project and for selection of the abatement methods, description of types and amounts of ACM abated, and start and completion dates of the project.

M) Daily log of observations made by the project manager, including description of project activities, documentation of smoke testing of barriers by the contractor,

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documentation of post-abatement visual inspection of each work area, and description of procedure used during clearance air sampling.

N) Items submitted by the contractor under Section 855.350(c) and (d).

O) For cleaning performed in accordance with Section 350.400(f)(1)(A), (D) and (E), the names of persons performing the cleaning, the date and locations of the cleaning, and the methods used.

6) For each asbestos abatement project, the project manager shall submit a completed Project Manager's Report Form provided by the Department within ten working days following completion of clearance air monitoring. A copy shall be inserted as the first page in the project manager's report.

7) If more than one project manager serves on a project, other than as specified below, the person who oversees the completion of the project shall be responsible for the project report and for submission of the Project Manager's Report Form to the Department. For projects with multiple work areas, each overseen by a different project manager, each project manager shall be responsible for the report and the Project Manager's Report Form for the part of the project in the work area for which he or she was responsible. However, one comprehensive report for the entire project is acceptable.

b) Air Sampling Professional (ASP)

1) The air sampling professional shall be licensed by the Department in accordance with Section 855.100. The air sampling professional shall conduct or supervise all air sampling for the school board. All projects greater than 160 square feet or 260 linear feet shall be analyzed by Transmission Electron Microscopy (TEM). All other samples may be analyzed by Phase Contrast Microscopy (PCM).

2) Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be utilized for air sampling during the project in addition to any OSHA compliance monitoring required to be conducted by the contractor:

A) Background air samples shall be collected and analyzed prior to the start of project activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.

B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the contractor's activities. The following are required minimums:

i) Two area samples inside the work area;



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- ii) One personal sample inside the work area;
- iii) Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and
- iv) One area sample at each discharge from negative pressure ventilation equipment to the outside of the building.

C) Air monitoring results shall be documented and retained on-site.

## c) Analyst Services

- 1) When final clearance air monitoring samples are analyzed by a laboratory using TEM, the laboratory shall be accredited by the NIOSH National Voluntary Laboratory Accreditation Program (NVLAP) for airborne asbestos fiber analysis.
- 2) When final clearance air monitoring samples are analyzed by PCM in a laboratory, the laboratory shall be considered proficient in asbestos analysis by the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) Program for PCM.
- 3) When final air clearance air monitoring samples are analyzed by an analyst outside of a laboratory, the analyst analyzing the samples shall be considered proficient (board approved) by the American Industrial Hygiene Association's (AIHA) Asbestos Analyst Registry (AAR) Program.
- 4) The period of time permitted between the collection of daily air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities. Timetables for results of clearance air samples shall be established by the school board or building owner.
- d) Project Manager/Air Sampling Professional Duties Combined
  - The project manager and air sampling professional shall be two separate individuals for each contained area. Duties may only be combined for abatement project activities when the contained area is less than or equal to 10,000 square feet or less than or equal to 1,500 linear feet of pipe insulation in one contained area and decontamination enclosure system.

## SUBPART D: GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS

## Section 855.220 Notification and Procedures for Abatement of Asbestos in Commercial and Public Buildings

The work procedures and controls specified below shall be followed only for abatement of ACM in commercial and public buildings, except as indicated (Schools shall use procedures and controls specified in Subpart E of this Part.)

- a) Notification.
  - 1) Notification of friable and nonfriable asbestos abatement project

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activities ranging in size from 3 square feet/3 linear feet to 160 square feet/260 linear feet to be performed in commercial and public buildings, except industrial buildings as defined in Section 855.20, shall be made to the Department at least 2 working days before the initiation of abatement project activities.

- 2) Notification to the Department is not required for asbestos abatement project activities performed in industrial buildings as defined in Section 855.20.

- 3) Any notification required by this subsection (a) shall be made by the contractor or building owner on a form made available by the Department.

## b) Emergency Abatement Operations.

- 1) Notification to the Department, as specified in subsection (a) of this Section, is not required for emergency abatement operations, as defined in Section 855.20 of this Part.

- 2) The contractor shall notify the Department by telephone or telefax on the same business day that emergency operations are initiated. If emergency operations are initiated after business hours, the contractor shall notify the Department on the next business day.

A) Notification shall specify the location of the emergency abatement operation; name of contractor, building owner or his/her representative, and air sampling professional; reason why emergency operations are necessary; description of asbestos containing material; abatement techniques to be used; and estimated time of completion of the project.

- B) Notification shall be made to the Asbestos Program, Division of Environmental Health, Illinois Department of Public Health at (217)782-5830 or (217)785-5897 (fax).

C) After completion of emergency abatement operations, a written follow-up report shall be made to the Department using the Department's asbestos abatement notification form.

- c) Work Practices and Controls for all Commercial and Public Buildings.
  - 1) Removal of ACM shall be conducted in accordance with NESHAP regulations 40 CFR 61, Subpart M, and OSHA regulations 29 CFR 1926.1101.

- 2) Encapsulation or enclosure of ACM shall be considered a Class III operation and shall be performed using controls at least as stringent as those found in 29 CFR 1926.1101(g)(9) for Class III asbestos work.

- 3) Repair and maintenance of friable ACM shall be performed using controls and work practices specified by 29 CFR 19101(g)(9) for Class III asbestos work.

- 4) All ACM may be temporarily stored at the work area until completion of the abatement project. Temporarily stored ACM shall meet the waste storage requirements of NESHAP regulations at 40 CFR 61, Subpart M. At the conclusion of the abatement

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project, all temporarily stored ACM shall be removed from the work area and transported to a regulated landfill location approved for disposal of asbestos-containing waste.

## d) Clearance Air Monitoring.

- 1) After the completion of the final clean and when all surfaces in the critical barriers are dry, the contractor, the building owner or the building owner's designee shall inspect the area inside of the critical barriers for visible residue. If the area is clear of residue, the contractor, the building owner or the building owner's designee shall notify an air sampling professional that the contained area is ready for clearance air monitoring.

- 2) Air sampling shall be conducted by an air sampling professional. The air sampling professional is allowed to use PCM for clearance air monitoring in public and commercial buildings in lieu of TEM.

## 3) Required Samples.

- A) A minimum of 2 samples shall be taken for areas up to 1,000 sq. ft.
- B) A minimum of 5 samples shall be taken for areas larger than 1,000 sq. ft. but not exceeding 50,000 sq. ft.
- C) One additional sample shall be taken for every 10,000 sq. ft. exceeding 50,000 sq. ft.

- 4) Each sample result shall be less than or equal to 0.01 f/cc. If the air sampling results indicate a concentration of airborne asbestos fibers in excess of clearance criteria, the contractor shall reclean the contained area. The contractor shall not be released until the contained area meets clearance criteria.

- 5) The building owner shall give a copy of the test results to the contractor and retain a copy for its records for three years.

- c) An air sampling professional is not required to obtain a license pursuant to Section 855.100(i) to conduct asbestos air sampling in commercial and public buildings; however, an air sampling professional shall meet the following qualifications prior to conducting asbestos air sampling in commercial and public buildings:

- 1) Successfully complete a NIOSH #582 course "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.
- 2) Possess a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours on-site experience in general indoor air pollution sampling; or an Illinois Industrial Hygienist License; or written verification of 2080 hours on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.

**Section 855.230 Equipment and Waste Container Removal Procedures**

- a) External surfaces of contaminated containers and equipment shall be cleaned by wet cleaning and/or HEPA vacuuming before moving such items

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into the decontamination area for final cleaning as defined in OSHA regulation 29 CFR 1926.1101.

- b) Once in the decontamination area, external surfaces of contaminated containers and equipment shall be cleaned a second time by wet cleaning before moving such items into the holding area pending removal to uncontaminated areas.

- c) Containers and equipment shall be removed from the holding area by workers who have entered from uncontaminated areas wearing proper personal protective equipment. If the decontamination area does not terminate to the exterior of the building, the following procedures shall be followed:

- 1) Waste and equipment shall be placed in a cart. The cart shall not be overloaded, which may cause tipping.
- 2) The loaded cart shall be carefully taken to and unloaded in the enclosed waste storage unit.
- d) The exit from the decontamination area shall be secured to prevent unauthorized entry as required in OSHA 1926.1101(e)(3).

**Section 855.240 Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings**

The building owner or his/her designee shall reestablish the work area in accordance with the following procedures:

- a) Reestablishment of the work area shall only occur following the completion of the cleanup procedures and after clearance air monitoring has been performed and documented to the satisfaction of the school board or building owner.
- b) The contractor, the building owner or the building owner's designee shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning.
- c) Additional air monitoring shall be performed if additional cleanup is necessary.
- d) Following completion of clearance air monitoring of the work area, remaining equipment and polyethylene barriers shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and outside of the duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.
- e) Mounted objects removed from former positions during area preparation activities may be resecured.
- f) Objects that were removed to temporary locations may be relocated to original positions.
- g) New filters shall be installed in HVAC systems, as necessary, and mechanical and electrical systems shall be reestablished in working order.



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## AND STANDARDS FOR ABATEMENT

**Section 855.300 Local Education Agency (LEA) Requirements**

## a) Each LEA shall:

- 1) Ensure that any persons who perform inspections and reinspections, develop and update management plans, develop and implement response actions, including operations and maintenance or repair, are licensed in accordance with Section 855.100.
- 2) Ensure that all custodial and maintenance employees are properly trained as required by the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos Abatement Act, and this Part.
- 3) Ensure that parents, teachers, and employee organizations are notified in writing at least once each school year of inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress. The LEA shall include in the management plan a description of the steps taken to notify such organizations and a dated copy of the notification.
- 4) The LEA shall designate a person to oversee all management plan activities and ensure that the designated person receives adequate training to perform the assigned duties of the local education agency. Such training shall include:
  - A) Health effects of asbestos.
  - B) Detection, identification and assessment of ACBM.
  - C) Options for controlling ACBM.
  - D) Asbestos management programs.
  - E) Relevant federal and State regulations concerning asbestos, including those of the Occupational Safety and Health Administration, U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Environmental Protection Agency and the Department.
- 5) Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of asbestos-containing building materials (ACBM) and/or assumed ACBM.
- 6) Ensure that warning labels are posted in accordance with the following:
  - A) The LEA shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a routine maintenance area (such as boiler rooms) at each school building.
  - B) All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.
  - C) The warning label shall state in print which is readily visible: Caution; Asbestos. Hazardous. Do Not Disturb

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- 7) Ensure that the management plans are available for inspection and notification of such availability has been provided as specified in the management plan.
  - 8) Keep a copy of the plan in each school and district administrative office. Management plans shall be available for inspection by workers before work begins in any area of a school building. The management plans shall be available during normal business office hours, without cost or restriction, for inspection by representatives of the USEPA, the Department, teachers, other school personnel, parents and the general public. The LEA may charge a reasonable cost to make copies of management plans.
  - 9) Maintain records as part of the management plan.
  - 10) Ensure that each management plan contains a statement, signed by the individual designated by the LEA, which certifies that the LEA responsibilities have been met or will be met.
  - 11) Ensure that three year reinspections are conducted in accordance with this Part and Section 855.310(m).
  - 12) Ensure that the three year school reinspection information form provided by the Department is submitted to the Department within 30 days from the reinspection.
- b) Recordkeeping
- 1) Records required under this Section shall be maintained in a centralized location in the administrative office of both the school and the LEA as part of the management plan. For each homogeneous area where all ACBM has been removed, the LEA shall ensure that such records are retained for six years after completion of removal.
  - 2) For each preventive measure and response action taken for ACBM and suspected ACBM assumed to be ACBM, the LEA shall provide:
    - A) A detailed written description of the response action and methods used, the location where the response action was taken, the reasons for selecting the response action, the start and completion dates of the work, the names and addresses of all contractors involved, and if applicable, their IDPH license I.D. number. and if ACBM is removed, the name and location of the disposal site of the ACBM.
    - B) The name, signature, and Department-issued license I.D. number of any person collecting any air samples required to be collected at the completion of certain response actions, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of the National Bureau of Standards TEM laboratory accreditation.



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- C) For each time that periodic surveillance is performed, the LEA shall record the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.
- D) For each time that asbestos cleaning is performed, the LEA shall record the name of each person performing the cleaning, the IDPH licensed worker I.D. number, the date of such cleaning, the locations cleaned, and the methods used to perform such cleaning.
- E) For each time that operations and maintenance activities are performed, the LEA shall record the name of each person performing the activity, the Department-issued licensed worker I.D. number, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACM is removed, the name and location of the storage or disposal site of the ACM.
- F) For each time that major response action is performed, the local education agency shall provide the name, signature and Department-issued license I.D. number of each person performing the activity, the start and completion dates of the response action, the locations where such response action occurred, a description of the activity, including preventive measures used, and if ACM is removed, the name and location of the storage or disposal site of the ACM.
- G) For each fiber release episode, the LEA shall provide the date and location of the episode, the method of repair, preventive measures or response action taken, the name of each person performing the work, the IDPH license ID number, and if ACM is removed, the name and location of the storage or disposal site of the ACM.

**Section 855.310 Procedures for School Inspections and Reinspections**

- a) The Department shall prepare and maintain a list of licensed inspectors. All inspections and sampling of school buildings for the presence of ACM and all assessments of the condition of ACM in schools shall be done by a Department licensed asbestos inspector.
- b) School Building Inspections.
- 1) Inspections shall be conducted only during non-school hours. Samples shall not be collected in areas where, and at times when, students or school personnel are present.
  - 2) All areas of the school building shall be inspected including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.
  - 3) For initial inspections, the inspector shall identify and

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- establish homogeneous sampling areas for friable and nonfriable materials.
- 4) The inspector shall photograph materials sampled and damaged areas found and identify locations where pictures were taken.
  - 5) The inspector shall complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility. (See Appendix B, Illustration A of this Part.)
- c) Sampling Friable and Nonfriable Materials.
- 1) The area of each homogeneous friable and nonfriable surface shall be calculated (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, two materials shall be designated as distinct homogeneous areas.
  - 2) A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i), and (j) of this Section.
  - 3) Random sample points shall be determined using the method described in subsection (l) of this Section.
  - 4) The following requirements shall apply to all sampling of surfacing material:
    - A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of 3 samples shall be collected;
    - B) For areas from 1,000 to 5,000 square feet, a minimum of 5 samples shall be collected;
    - C) For homogeneous areas greater than 5,000 square feet, a minimum of 7 samples shall be collected.
  - 5) If pipe and boiler insulation are in good condition (not friable), sampling shall not be conducted. It shall be assumed that these areas are asbestos containing and recorded as such. The Superintendent of the school district may request a variance (see Section 855.25) for the inspectors to sample material that is in good condition. However, damaged pipe and boiler insulation are considered distinct sample areas, and three samples must be collected for each such homogeneous material found. Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.
  - 6) Wall and ceiling tiles must also be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.
  - 7) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation that is not assumed to be ACM if the patched section is less than six linear or square feet.
  - 8) Bulk samples are not required to be collected from any homogeneous area where the accredited inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-asbestos-containing building materials.
  - 9) Miscellaneous materials shall be collected in a manner sufficient to determine whether material is asbestos-containing building

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materials (ACBM). Bulk samples shall be collected from each homogeneous area of friable miscellaneous material that is not assumed to be asbestos-containing materials.

- 10) Nonfriable suspected asbestos-containing building materials (ACBM). If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACBM, then a licensed inspector shall collect, in a manner sufficient to determine whether the material is ACBM, bulk samples from the homogeneous area.

d) Sampling precautions.

- 1) Disturbed materials shall only be sampled with necessary personnel present. Materials shall not be disturbed any more than necessary.
- 2) A NIOSH approved respirator equipped with HEPA filters shall be worn when sampling friable materials or when moving ceiling tiles to access friable materials.
- 3) Disturbed materials shall be sealed with a clear, nonflammable encapsulant.
- 4) Any visible materials shall be cleaned by wet mopping or by wiping with a damp cloth.
- 5) When carpet is present, a plastic drop cloth shall be placed under the sample point to facilitate easy clean up.
- 6) Contaminated materials (e.g., wiping cloths, mop heads) shall be disposed of in sealed, labeled six mil plastic bags.

e) Sampling procedures.

- 1) Materials shall be sprayed with a light mist of water to reduce fiber release during sampling.
- 2) A small core of the material penetrating all layers including any paint or protective coating shall be gently cut and removed. Any reusable instrument shall be wet-wiped before reuse.
- 3) The sample shall be placed in a zip top plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any materials.
- 4) Each bag shall be labeled with a sample I.D. number.
- 5) The samples for each school shall be sealed in a second plastic bag.

- 6) Information to be recorded for each sample collected includes the date, sampling location and ID number. The form "Asbestos Bulk Analysis" shall be completed and samples submitted to a laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) administered by the National Institute for Standards and Technology (NIST).

- f) Reporting. The Management Plan referenced in Section 855.325 shall be submitted to the Department along with one copy of the inspection report which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Photographs and sample area diagrams shall be included with sample locations. All photographs must be reproduced from negatives. Photocopies of

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photographs shall not be sent. Each sample must have a photograph to show condition of the material.

- 1) To expedite the efficient review of the inspection reports, they shall be organized and submitted in the following order:

A) Each report shall be put in a three hole report cover. (Not a three ring binder.)

B) The school district, school name, and the complete address of school building where inspection was conducted, city and county shall be identified on the front cover.

C) The report shall be assembled in the following order:

- i) Appendix B, Illustration A
- ii) Narrative Report
- iii) Each sample area: Appendix B, Illustration B (2 pages)

1) To expedite the efficient review of the inspection reports, they shall be organized and submitted in the following order: dimension; Indicating on plan where samples were taken; Including photographs of material from which samples were taken; Indicating the sample number which applies to each photo. The reference material should be used to determine the number of samples required based on the square footage in the sampling area.

- 2) The inspection report will not be considered complete until bulk samples are received by an approved laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.

- g) For each sampling area, diagram shall be prepared showing all friable and nonfriable materials in the sampling area. Construct the diagram on graph paper as follows:

- 1) The approximate dimensions of all rooms, corridors, or other school building areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms will need to be measured. Prepare the diagram approximately to scale. (See Appendix B, Illustration C.)
- 2) The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.

- 3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:

A) Damage caused by water or high humidity.

B) Damage due to vandalism, rough use, or other factors.

C) Patched or repaired material.

- D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.

- h) If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), each separate area shall be sketched according to the above instructions. Place all sketches on the same graph, as closely together as possible. The sampling area may contain areas that are not in the same plane (for



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example, a ceiling and a wall with the same type of friable or nonfriable material). In this case, each flat surface shall be sketched according to the above instructions and these sketches placed on the same graph, as close together as possible.

i) On each sampling area diagram, the following information shall be recorded:

- 1) Sampling area identification number that distinguishes the sampling area from all others of the school building.
- 2) Brief description of the sampling area.
- 3) Area dimensions and scale.
- 4) Name and address of the school.
- 5) Name and telephone number of the school official contacted.
- 6) Name of inspector and date of inspection.
- 7) Name of person preparing the diagram and date prepared.

j) For piping, vent and boiler diagrams:

- 1) A diagram shall be drawn which includes room dimensions and sample locations. (See Appendix B, Illustration D.)

2) Sample locations shall be described.

k) These diagrams shall be included with the "Building Inspection" form.

l) Sampling Procedure

- 1) The sampling area shall be divided into nine equally sized subareas. This shall be done by dividing the length and width of the sampling area into three equal lengths and three equal widths and drawing a grid over the diagram (see Appendix B, Illustrations C through G).

2) The diagrams in Appendix B, Illustration E show which subareas to use in order to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If 5 samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.

3) For very irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left

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to right and top to bottom shall be retained wherever possible.

- 4) For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (Sampling Area #1) of Illustration E to determine sampling locations for sampling area 19 and higher.

m) The following shall be required for reinspections:

- 1) All items included in Section 855.310(d), Appendix B, Illustration H.
- 2) Any additional suspect ACBM found during the reinspection, that was not included in the original management plan or previous reinspection report, shall be sampled according to procedures in Section 855.310(d) or listed as assumed ACBM and added to the management plan.
- 3) Inspections shall be conducted only during non-school hours when students or school personnel are not present. Samples shall not be collected in areas when and where students or school personnel are present.
- 4) Within 30 days after the reinspection, the Department-licensed inspector shall submit to the LEA the following:
  - A) The date of the reinspection.
  - B) The name and signature of the Department-licensed inspector performing the reinspection and the licensed management planner.
  - C) The current Department-issued license number of the inspector/management planner and the current training course certificate at the time of the inspection.
  - D) Any changes in condition of known or assumed ACBM.
  - E) Any changes in the classification of an assumed ACBM to a non-ACBM shall be performed in accordance with the requirements of this Section.
  - F) If the LEA chooses to resample known ACBM, the results of the new sampling shall use TEM to prove that the material is not ACBM.
  - G) Any changes in the response action recommendations.

## Section 855.325 Management Plan

- a) In accordance with 40 CFR 763, each Local Educational Agency (LEA) shall submit to the Department the management plan for each individual school. The management plan shall comply with the management plan protocol in Section 855.310(d), Appendix B, Illustration H and Illustration I.
- b) The management plan for each school building shall include:
  - 1) Inspection report with assessment of each homogeneous area as required in Section 855.310.
  - 2) Laboratory analysis report.
  - 3) Response action plans for each homogeneous area of ACBM in accordance with 40 CFR 763.90.
  - 4) Operations and maintenance program for each homogeneous area of



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- ACBM until such time as it is removed.
- c) Any management plan submitted without all materials listed in subsections (b)(1)-(4) of this Section shall be considered incomplete and shall be returned to the LEA.
  - d) The Department shall have 90 days to respond to the submitted management plan. The Department shall consider the following factors in deciding to approve or disapprove a management plan: the timeliness of submission, preparation by a Department-licensed management planner, inclusion of an inspection report prepared by a Department-licensed inspector approved by the Department, and inclusion of the materials required under subsection (b) of this Section.
  - e) If the plan is not disapproved within this time, the LEA shall implement the plan.
  - f) If the plan is disapproved within this time, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for resubmission. The Department will consider the size of facilities, number of buildings and the degree to which the management plan fails to comply with the requirements of this Part, before granting an extension.

**Section 855.330 Operations and Maintenance**

- a) The school board or building owner shall designate a person who shall be responsible for the implementation of an operations and maintenance plan. The plan shall be instituted in every school identified or assumed as having ACM and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763) and OSHA Regulations (29 CFR 1926.1101).
- b) Repair procedures. Department-licensed asbestos workers shall be utilized when ACM must be drilled, sanded, cut, or repaired, or friable ACM must be cleaned and the following procedures shall be followed:
  - 1) Heating, cooling, or ventilating air systems shall be shut down to prevent fiber dispersal to other areas of the building.
  - 2) Openings in the work area, including windows, doorways, vents, and any other openings, shall be sealed off with six mil polyethylene or equivalent sheeting and duct tape.
  - 3) All persons shall wear respirators equipped with high efficiency HEPA filters and approved by the National Institute for Occupational Safety and Health (NIOSH).
  - 4) All persons shall wear disposable full body coveralls and head gear.
  - 5) ACM shall be wet down with amended water before repairing or disturbing the material to reduce airborne fiber release.
  - 6) Work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.
  - 7) Asbestos-contaminated waste shall be sealed in six mil labeled

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- plastic bags and disposed of at an approved disposal site.
- 8) Maintenance or repair which results in the disturbance of ACM shall be conducted in accordance with OSHA Regulations 29 CFR 1926.1101(e) and (g).
  - c) Floor tile removal procedures. If handled carefully, floor tile may be removed with little or no release of asbestos fibers. Accordingly, removal of nonfriable asbestos-containing floor tile in a manner which is not likely to result in release of asbestos fibers will be considered a non-response action. However, in accordance with Section 855.350, in order for the Department to ensure that proper work procedures will be followed and that building occupants will not be subjected to asbestos hazards, the school or school district shall submit the following information to the Department:
    - 1) A detailed description of the proposed project which specifies work procedures to be utilized and quantities and locations of asbestos-containing floor tile to be removed. The work procedure will be reviewed and the school will be notified if the proposal is acceptable or not acceptable. No work involving asbestos-containing floor tile as non-response action may be performed until a notice of acceptance of the proposed procedure is received by the LEA from the Department.
    - 2) The Floor Tile Project Notice form provided by the Department must be submitted at least 10 working days prior to the beginning of an asbestos floor tile project in a school building.
    - 3) Any removal of nonfriable floor tile which results in sanding, grinding, abrading, cutting, pulverizing, crushing, or excessive breakage of more than 10% of the material will be considered a response action, and all requirements of the Asbestos Abatement Act and this Code will apply.
    - d) Floor tile adhesive (mastic) removal may be performed using only non-flammable, non-toxic, non-hazardous, and non-volatile adhesive removers. Removal of floor tile adhesive shall be performed in accordance with the following requirements:
      - 1) Adhesive shall be removed in a contiguous area not to exceed 200 square feet. Removal shall not begin in a subsequent area until removal has been completed in the previous area.
      - 2) Adhesive removal shall not be done when children or school employees are present in the school building. Following the completion of the removal project, the school building shall be ventilated to release fumes. Children and school employees shall not be allowed to enter the school building until clearance air monitoring is conducted in accordance with Section 855.470.

**Section 855.350 Submissions and Notices**

- a) The contractor shall submit the following items to the Department postmarked or facsimile dated at least 10 working days prior to the commencement of an asbestos abatement project.

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- 1) The Notice of Asbestos Abatement Form provided by the Department shall be completed and submitted by the contractor for all abatement projects. The completed form shall contain only correct and accurate information.
- 2) Written permission from the building owner confirming the authorization for the commencement of abatement according to Section 855.450(g) shall be attached to the notification form and submitted to the Department.
- b) The contractor shall notify the Department in writing on the form provided by the Department prior to any change in start date, completion date and scope of the project.
- c) Five days prior to commencement of work, the contractor shall submit the following items to the project manager. These items shall be up-to-date and shall be maintained at the abatement site by the project manager.
  - 1) Documentation of arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies and the name and location of the disposal site.
  - 2) Documentation that each asbestos worker and supervisor are licensed.
  - 3) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area.
  - 4) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment.
  - 5) Results of materials testing as conducted before the abatement for purposes of utilization during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces).
  - 6) Copies of initial and current accreditation certificates of all licensed persons and the original license. The project manager shall make copies of all licenses at the location where they are conducting work. Failure to have accreditation certificates at the job site could result in decertification.
- d) During abatement activities the contractor shall submit on a weekly basis the following items to the project manager and the project manager shall maintain this documentation at the abatement site:
  - 1) Job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports, and equipment breakdowns.
  - 2) Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process shall be submitted to the project manager within 10 days after the completion of the project.
  - 3) Copies of worksite entry log books with information on worker and

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- 4) Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units, and other engineering controls.
- 5) Logs documenting that each asbestos worker present and in the abatement area was licensed as such by the Department.
- 6) Any revisions to the start date, completion date or scope of the project.
- e) Prior to commencement of work the school board or the building owner shall:
  - 1) Notify occupants of work areas that may be disrupted by the abatement project of dates and requirements for relocation. Arrangements must be made prior to start of the project for relocation of desks, files, equipment and personal possessions in order to avoid unauthorized access into the work area by building occupants. Notification of all building occupants and users is required in order to prevent unnecessary or unauthorized access to the contaminated work area.
  - 2) Submit to the contractor and project manager results of background level air sampling, including sampling location, name of the air sampling professional, equipment utilized and method of analysis. Background air samples shall be collected and analyzed prior to the start of project activities.
  - 3) Provide to the contractor information concerning access, shutdown, and protection requirements of equipment and systems in the work area.
  - 4) Submit to the contractor names and addresses of all asbestos project managers and air sampling professionals assigned to the project prior to the commencement of abatement. Any changes of the building owners' representatives shall be submitted to the contractor in writing prior to such change.
  - 5) Provide to the contractor written permission authorizing the commencement of asbestos abatement.
  - 6) The school board or building owner shall provide the contractor with written verification that notification of all building occupants and users have been made pursuant to this Section prior to commencement of the project. Such written verification shall be submitted to the Department by the contractor with the Notice of Asbestos Abatement form provided by the Department.

**Section 855.360 Demolition of a School Building**

- a) Demolition of a school building shall be conducted in accordance with the National Emission Standards for Hazardous Air Pollutants (40 CFR 61) and Occupational Safety and Health Administration regulations (29 CFR 1910 and 1926).
- b) The building owner shall inform the Department in writing of the planned demolition.



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- c) If a portion of a building containing ACBM is to be demolished, the portion to be demolished shall be separated from the portion to remain by airtight barriers. Barriers erected for this purpose shall comply with Section 855.430(a).

**Section 855.370 Workplace Entry and Exit Procedures**

**Personnel Entry and Exit.** All of the following procedures shall be posted in the clean room by the abatement contractor. These procedures shall be enforced by the abatement contractor and shall be followed throughout the abatement project until clearance air monitoring has been performed and the area has passed final clearance.

- a) All personnel and authorized visitors shall enter the work area through the worker decontamination enclosure system.
- b) All personnel who enter the work area shall sign the entry log, located in the clean room, upon entry and exit.
- c) All personnel, before entering the work area, shall read and be familiar with all posted regulations, personal protection requirements (including workplace entry and exit procedures) and emergency procedures. A sign-off sheet shall be used to acknowledge that these have been reviewed and understood by all personnel prior to entry.
- d) All personnel shall proceed first to the clean room, remove all clothing and don respiratory protection, disposable coveralls, head covering and foot covering. Clean respirators and protective clothing shall be provided and utilized by each person for each separate entry into the work area.
- e) Personnel, wearing designated personal protective equipment, shall proceed from the clean room, through the shower room and equipment room, to the main work area.
- f) Before leaving the work area, all personnel shall remove gross contamination from the outside of respirators and protective clothing by brushing and/or wet cleaning procedures. Each person shall clean the bottoms of protective footwear immediately prior to entering the equipment room.
- g) Personnel shall proceed to the equipment room, where all protective equipment except respirators shall be removed. Disposable clothing shall be deposited into labeled containers for disposal (see Section 855.390(h)).
- h) Reusable, contaminated footwear shall be stored in the equipment room when not in use in the work area and shall be disposed of as asbestos contaminated waste upon completion of abatement. (Rubber boots may be decontaminated at the completion of the abatement for reuse.)
- i) Still wearing respirators, personnel shall proceed to the shower area, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and then shower and shampoo to remove residual asbestos contamination. Various types of respirators will require slight modification of these procedures. An airline respirator with HEPA filtered disconnect protection may be

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disconnected in the equipment room and worn into the shower. A powered air-purifying respirator facepiece should be disconnected from the filter/power pack assembly, which is not waterproof, upon entering the shower.

- j) After showering and drying, personnel shall proceed to the clean room and don clean disposable clothing if returning to the work area or street clothes at the end of the work shift.

**Section 855.380 Building Protection**

- a) A negative air pressure differential of at least 0.02 inches of water column, relative to outside ambient air pressure, shall be maintained at all times throughout the contained area during the asbestos abatement work to ensure that contaminated air in the work area does not filter back to uncontaminated areas. Instrumentation (a monometer with a readable tape) for measuring pressure differential shall be provided by the contractor in accordance with OSHA regulations 29 CFR 1926.1101.
- b) Once the contained area is established, the negative pressure system shall operate continuously, 24 hours a day, from the start of the abatement work to final air clearance.
- c) Asbestos fiber levels in areas adjacent to the contained area shall not exceed 0.01 fibers per cubic centimeter of air (f/cc) or background levels, whichever is higher, as determined by phase contrast microscopy. Work shall immediately cease in the area if fiber counts in adjacent areas are found to exceed this amount. Remedial action (e.g., wet cleaning) shall be taken to reduce such levels to those required by this Section.
- d) The contractor shall be responsible for cleanup of any adjacent areas which become contaminated as a result of the asbestos abatement activities.

**Section 855.390 Materials and Equipment**

The contractor performing asbestos abatement in a school shall furnish all labor, materials, and equipment necessary for completion of the project.

- a) All materials subject to damage shall be stored off the ground, away from wet or damp surfaces, and under protective cover to prevent damage or contamination. Replacement materials shall be stored outside of the work area until abatement is completed.
- b) Damaged and deteriorating materials shall not be used and shall be removed from the premises.
- c) Plastic (polyethylene) sheeting, in sizes to minimize the frequency of joints, shall be furnished.
- d) Duct tape shall be used for sealing joints of adjacent sheets of plastic and facilitating attachment of plastic sheets to finished or unfinished surfaces.
- e) Spray adhesive shall be capable of providing additional sealing of



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joints and facilitating attachment of plastic sheeting to finished or unfinished surfaces where needed.

- f) The surfactant used to produce amended water shall be a product that is nontoxic, noncarcinogenic, and is not an eye, nose, or skin irritant.
- g) Airtight and watertight containers shall be provided to receive and retain any asbestos-containing or contaminated materials for storage until disposal at a landfill. The containers shall be labeled in accordance with OSHA regulation 29 CFR 1926.1101(k)(7).
- h) Plastic asbestos disposal bags shall be six mil or equivalent in thickness and be marked with caution labels in accordance with OSHA regulation 29 CFR 1926.1101(k)(7).
- i) Enclosure materials shall be impact resistant and assembled to be airtight. Gypsum panels taped at the seams, tongue and groove boards, and boards with spline joints all meet this requirement. Joints between walls and ceilings shall be caulked.
- j) An encapsulant shall adhere to the fibrous substrate with sufficient penetration to prevent separation of the sealant from the asbestos-containing materials (see Section 855.430).
- k) Negative air pressure equipment shall be in compliance with ANSI Z9.2 (1991), Local Exhaust Ventilation.
- l) Negative air pressure systems shall be operated in accordance with "Specifications and Operating Procedures for the Use of Negative Pressure Systems for Asbestos Abatement," Guidance for Controlling Friable Asbestos-Containing Materials in Buildings, EPA Report Number 560/5-85-024 (1985).

**Section 855.400 Work Area Preparation**

The asbestos abatement contractor shall perform the following steps, in the order in which they appear, to prepare the work area. The contractor shall:

- a) Complete the requirements in Section 855.430. Any barriers, such as temporary walls or ceilings, needed to completely enclose the work area, shall be constructed in accordance with Section 855.430.
- b) Post caution signs meeting the specifications of OSHA 29 CFR 1926.1101(k)(6) at any location and approaches to a location where airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted to permit a person to read the sign and take the necessary protective measures to avoid exposure before entering the work area.
- c) Shut down and lock out electric power to all contained areas on a daily basis. "Shut Down and Lock Out" means to switch off all electrical circuit breakers serving power or lighting circuits which run to, or through, the contained area. Label circuit breakers with tape over the breakers with the notation "DANGER, circuit being worked on". Lock the electrical door or panel with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other personnel shall have keyed access to the electrical

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power in the contained area. Provide temporary power and lighting and ensure safe installation of temporary power sources and equipment in accordance with the National Electrical Code (see Section 855.10(b)(1)). All power to work areas shall be brought in from outside the area through ground-fault circuit interrupters at the source.

- d) Shut down and isolate heating, cooling, and ventilating air systems to prevent contamination and fiber dispersal to other areas of the structure. Remove all HVAC system filters and place in labeled six mil polyethylene or equivalent bags for disposal as asbestos-contaminated waste. Clean the filter assembly and outside of the duct work using HEPA vacuums or wet cleaning techniques.
- e) Seal off all openings to windows, corridors, doorways, skylights, ducts, grills, diffusers, and any other penetrations of the work areas, with six mil plastic or equivalent sheeting sealed with tape. Also seal all seams in system components that pass through the contained area. Doorways and corridors which will not be used during work must be sealed with barriers as described in Section 855.430.
- f) Proposed contained area.

- 1) Where friable ACM is present in the proposed contained area as defined in the asbestos management plan and/or project designer's specifications, the following shall be conducted by the contractor:

- A) Pre-clean movable objects within the proposed work areas using HEPA filtered vacuum equipment and/or wet cleaning methods, as appropriate, and remove such objects from work areas to a temporary location.
- B) Upholstered furniture and drapes shall be HEPA vacuumed twice before removal from the work area.
- C) Carpeting shall be removed and disposed of as asbestos-containing waste material, unless the following are complied with:
  - i) Take one representative bulk sample from each homogeneous material which shall include the carpet fiber, the carpet backing, and the carpet mastic.
  - ii) The bulk samples shall be analyzed by Transmission Electron Microscopy (TEM). If the samples are found to contain no asbestos fibers, the carpet may remain in place if protected from contamination.
  - iii) Cover carpets that have been reported as containing no asbestos fibers with two layers of six mil poly or equivalent or place 7/16" plywood or equivalent over the layer of six mil poly and then place two additional layers of six mil poly over the 7/16" plywood.
  - iv) Upon completion of the abatement operations, the carpeting shall be re-sampled (as described in subsection (f)(1)(c)(i) of this Section). If the

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carpet is reported to contain asbestos fibers, the carpet shall be removed and disposed of as asbestos-containing waste.

- D) Pre-clean fixed objects and specific equipment items which will remain within the proposed contained areas, using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate. The fixed objects shall then be wrapped with a minimum of one layer of six mil poly or equivalent.

- E) Pre-clean the proposed contained areas using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filtration, are prohibited. ACM shall not be disturbed during pre-cleaning.

- 2) Where no friable ACM is present in the proposed contained area as defined in the asbestos management plan and/or Project Designer's specifications, and where the abatement work scheduled consists of nonfriable ACM only, the following shall be conducted by the contractor:

- A) Remove all movable objects from the proposed work area to a temporary location.
- B) Wrap all fixed objects and specific equipment items which will remain in the proposed work areas with a minimum of one layer of six mil poly or equivalent.
- g) Clean the proposed contained areas using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, is prohibited.

- h) Provide a worker decontamination enclosure system in accordance with Section 855.410 before ACM is disturbed.

- i) Cover the floor and wall surfaces in contained areas with plastic sheeting sealed with tape. Use a minimum of two layers of six mil plastic or equivalent on floors (no plastic on the floor shall be required when the project includes removal of floor tile and associated mastic) and two layers of four mil plastic or equivalent on walls. Cover floors first so that plastic extends at least 12 inches up on walls, then cover walls with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least six feet. In hallways where asbestos materials are adjacent to lockers, sheeting shall extend to the top of the lockers.

- j) Remove and clean ceiling-mounted objects such as light fixtures, electrical track, alarm systems, ventilation equipment and other items not previously sealed off, that interfere with asbestos material removal. Use localized water spraying or HEPA filtered vacuum equipment during fixture removal to reduce fiber dispersal.

- k) Ceiling tiles.

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- 1) Except as specified in subsection (k)(2) of this Section, suspended ceiling tiles and components shall remain in place until the contained area has been plasticized and worker and equipment decontamination enclosures are in place and then removed and disposed of as asbestos-contaminated waste.

- 2) Where no friable ACM is present in the proposed work area as defined in the asbestos management plan and/or project designer's specification, in lieu of removal and disposal of suspended ceiling tile and components, the following shall be conducted:

- A) Suspended ceiling tiles and components may remain in the proposed work area if isolated from the proposed work area by erection of work place barriers consisting of a minimum of one layer of six mil poly or equivalent.

- B) Suspended ceiling tiles may be removed from the proposed work area prior to erection of the work area decontamination unit. Ceiling tiles may be stored in a temporary location and re-installed after acceptable final air clearance sampling has been completed and the contained area tear down is completed.

- 1) Maintain emergency and fire exits from the work areas or establish alternative exits.

- m) Dispose of all materials inside the contained area (scrap poly, towels, spray cans, enclosure barriers, etc.) as ACM, with the exception of tools, equipment, rubber boots, and other cleanable, reusable items. Tools, equipment, and other reusable items shall be wet wiped and wrapped in six mil poly before removing them from the work area.

**Section 855.410 Worker Decontamination Enclosure System**

The contractor shall construct or provide a worker decontamination enclosure system in accordance with the following:

- a) Worker decontamination enclosure systems shall be provided at all locations where workers will enter or exit the work area. These systems may consist of existing rooms outside of the work area, if the layout is appropriate, that can be enclosed in plastic sheeting and are accessible from the work area. When this situation does not exist, enclosure systems may be constructed out of metal, wood or plastic support as appropriate, or a portable unit may be utilized (see Appendix A, Illustration D).
- b) Worker decontamination enclosure systems constructed at the worksite of plastic sheeting installed over a framework shall utilize six mil opaque polyethylene or equivalent strength sheeting.
- c) The worker decontamination enclosure system shall consist of at least a clean room, a shower room, and an equipment room, separated from each other by airlocks.
- d) Entry to and exit from all airlocks and decontamination enclosure system chambers shall be through curtained doorways.



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e) Access between any two rooms in the decontamination enclosure system shall be through an airlock with at least three feet separating each contained doorway. Pathways into (from clean to contaminated) and out from (contaminated to clean) the work area shall be clearly designated.

f) The clean room shall be sized to accommodate the clothes and equipment of the work crew. Benches shall be provided, as well as hooks for hanging up street clothes. Lockers may be provided for valuables; however, workers may be requested to secure valuables elsewhere. Shelves for storing respirators shall also be provided in this area. Clean work clothes (if required under disposables), clean disposable clothing, replacement filters for respirators, towels and other necessary items shall be provided in the clean room. A location for postings shall also be provided in this area. A lockable door shall be used to permit access into the clean room from outside the work area. This space shall not be used for storage of tools, equipment, or materials, or as office space.

g) The shower room shall contain one or more showers to accommodate workers. Each shower head shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Soap, shampoo and towels shall be supplied by the contractor and shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0 micron particle size collection capability. A system containing a series of several filters with progressively smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Filtered wastewater shall be discharged to a sanitary sewer.

h) The equipment room shall be used for storage of equipment and tools at the end of a shift after decontamination using a HEPA filtered vacuum and/or wet cleaning techniques. Replacement filters (in sealed containers until used) for HEPA vacuums and negative pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement may also be stored here as needed. A labeled six mil polyethylene or equivalent bag for collection of disposable clothing shall be located in this room. Contaminated footwear (e.g., rubber boots and other reusable footwear) shall be stored in this area for reuse.

## Section 855.420 Remote Decontamination Enclosure System

- a) A remote worker or equipment decontamination enclosure system may be used when the asbestos abatement work occurring in a contained area in a school is restricted to the removal of nonfriable ACM by a method which does not cause the ACM to become friable, or removal of thermal system insulation by use of a glovebag technique.
- b) Worker access to and from a contained area must be through an airlock.
- c) If a worker decontamination enclosure system attached to a contained

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area is to be used as a remote decontamination enclosure system for work conducted in other contained areas, access to the worker decontamination enclosure system consisting of one of the following methods may be provided, and shall be provided when it is not feasible for the equipment decontamination enclosure system to be used for this purpose:

- 1) An airlock attached to the equipment room of the decontamination enclosure system.
- 2) A two-stage airlock, consisting of two airlocks in series, which provides access directly to the contained area connected to the worker decontamination enclosure system.
- 3) If only nonfriable removal or removal by a glovebag technique is to be conducted in the contaminated area having the attached worker decontamination enclosure system, an airlock attached to the contained area.
- d) Setup of the remote decontamination enclosure system shall be in accordance with Section 855.410.
- e) The remote decontamination enclosure system shall be located inside the separation barriers and shall be in accordance with Section 855.430(b).
- f) The following procedures shall be used with a remote decontamination enclosure system:
  - 1) Licensed asbestos workers shall don respiratory protection and two pairs of protective coveralls prior to entering the contained removal area.
  - 2) After completion of the removal and cleaning, the worker shall HEPA vacuum the outer suit, enter the airlock, remove the outer suit and dispose of it as asbestos-contaminated waste.
  - 3) Still wearing the inner suit and respiratory protection, the worker shall either proceed to another containment, don a second suit and enter, or proceed to the remote decontamination enclosure system.
  - 4) The remote decontamination enclosure system shall consist of a five chamber unit as illustrated in Section 855. Appendix A, Illustration D.
  - 5) A HEPA filtered negative air pressure unit shall be attached to the remote decontamination enclosure system at the equipment room end. The negative air unit shall be exhausted to the exterior of the building and shall operate in accordance with Section 855.380.
  - 6) The remote decontamination enclosure system shall be wet cleaned after the completion of abatement and have a 12 hour settling period prior to the collection of air samples.
  - 7) One aggressive air sample shall be taken in the equipment room and analyzed by phase contrast microscopy (PCM) for clearance following USEPA Asbestos Hazard Emergency Response Act (AHERA) clearance standards. If the decontamination enclosure system does not meet clearance requirements, then the above mentioned



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procedure shall be repeated until clearance is obtained.

**Section 855.425 Equipment Decontamination Enclosure System**

The contractor shall provide or construct an equipment decontamination enclosure system consisting of two totally enclosed chambers as follows:

- a) The wash room or cleanup room shall be constructed with a curtained doorway to a designated area of the work area and a curtained doorway to the holding area.
- b) The holding area shall be constructed with a curtained doorway to the wash room and a lockable door to the exterior of the building.

**Section 855.430 Separation Barriers**

- a) Enclosure of Contained Areas

- 1) Separation barriers may be erected to enclose a work area.
- 2) Barriers constructed to enclose a contained area shall be of 1/2 inch minimum thickness plywood, gypsum board or similar sheathing material with any framing required to properly support the barriers. Framing shall be on the outside of the barrier (outside the contained area). Gypsum board and similar cementitious material shall be protected on the work side from damage from moisture, such as by painting or by covering with polyethylene sheeting. All seams and edges of the barriers shall be caulked, or the work side of the barrier shall be covered with 2 layers of six mil polyethylene or equivalent sheeting with overlapping seams and taped seams and edges.

- 3) If the space on the outside of the barrier is not occupied and is secured so that there is no access by building occupants, including custodial and maintenance employees, the barrier may be constructed of lumber or metal framing with a maximum on-center spacing of 24 inches, with two layers of polyethylene sheeting with staggered joints applied to each side of the framing. Edges and seams must be taped.

- 4) The work side of the barrier shall be prepared, in accordance with this Section, before any other project activities are begun.

- b) Separation of Secured Areas from Occupied Areas

- 1) Barriers shall be erected by the contractor where necessary to prevent possible access by building occupants to areas where asbestos project activities will occur.
- 2) Barriers erected to separate occupied areas of the building from secured areas, and that will not serve as containment barriers, shall be constructed of 1/2 inch minimum thickness plywood, gypsum board, or similar sheathing material with sufficient framing to properly support the barrier.
- 3) The barrier shall extend from the floor level to within six inches of the ceiling, but is not required to exceed a height of eight feet above the floor.

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- 4) If access through the barrier by abatement workers is required, an entrance with a lockable door shall be installed in the barrier.
- 5) In lieu of separation barriers erected to prevent access to the work area through lockable doors in accordance with subsection (b)(4) above, existing door locks shall be re-cylindrical.
- c) The contractor shall exercise due caution to prevent disturbance of friable ACM during the placement of separation barriers.

**Section 855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers**

- a) Following completion of the construction of all polyethylene barriers and decontamination system enclosures, the contractor, or his designated representative, and project manager shall allow a minimum of six hours settling time to ensure that barriers will remain intact and secured to walls and fixtures before beginning actual abatement activities. The negative air pressure equipment shall be in operation during this settling time.
- b) All polyethylene barriers inside the work area, in the worker decontamination enclosure system, and in the equipment decontamination enclosure system, and partitions constructed to isolate the work area from occupied areas, shall be inspected by the contractor and project manager at least twice daily. The barriers shall be inspected before the start of and following the completion of the day's abatement activities. Inspections and observations shall be documented in all project log books.
- c) Damage and defects in the enclosure system shall be repaired upon discovery.
- d) Smoke tubes shall be used by the contractor to test the effectiveness of the work area barrier system before abatement work begins and at least once a day thereafter until the work is completed. The project manager shall observe the test. Results and observations shall be documented in all project log books.
- e) At any time during the abatement activities after barriers have been erected, if visible emissions are observed outside of the work area or if damage occurs to barriers, work shall stop, repairs shall be made to the barriers, and visible residue cleaned up using appropriate HEPA vacuuming and wet mopping procedures prior to resuming abatement activities.
- f) The contractor shall HEPA vacuum or wet clean the equipment decontamination enclosure system and the entire worker decontamination enclosure system at the end of each day of abatement activities.
- g) If air samples collected outside of the work area during abatement activities indicate airborne fiber concentrations greater than original background levels or 0.01 f/cc as determined by PCM, work shall stop for inspection and repair of barriers. Cleanup of surfaces outside of the work area using HEPA vacuums or wet cleaning techniques

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shall be done. Air sampling shall indicate a fiber concentration less than background levels, or below 0.01 f/cc as determined by PCM, prior to resuming abatement activities. (See Section 855.340(b)(2)(B)(iii).)

h) Negative pressure ventilation equipment shall be installed and operated to provide a minimum of four air changes in the work area every hour. Openings made in the enclosure system to accommodate these units shall be made airtight with tape and/or caulking. If more than one ventilation unit is installed, units shall be turned on one at a time while checking the integrity of wall barriers for secure attachment and the need for additional reinforcement. A power supply shall be available to satisfy the requirements of the ventilating units. Negative pressure ventilation units shall be exhausted to the outside of the building away from occupied areas. Twelve inch extension ducting shall be used to reach from the work area to the outside of the building when ducting is required. Careful installation, air monitoring and daily inspections by the contractor and project manager shall be done to insure that the ducting does not release fibers into uncontaminated building areas.

- i) Once constructed and reinforced, and with negative pressure ventilation units in operation, worker and equipment decontamination enclosures shall be tested for leakage by the contractor, utilizing smoke tubes. The project manager shall observe these tests. Enclosures shall be repaired or reconstructed as needed. Results and observations shall be documented in all project log books.
- j) The contractor shall identify and maintain emergency and fire exits from the work area.

**Section 855.450 Commencement of Work**

The contractor shall not begin abatement work until the following requirements have been met:

- a) Enclosure systems shall be constructed and tested.
- b) All pre-abatement submissions, notifications, postings and permits shall be provided and are satisfactory to the project manager.
- c) All equipment for abatement, cleanup and disposal shall be on hand.
- d) All worker training and licensing shall be completed.
- e) Arrangements shall be made for building security.
- f) The number of clearance air samples and the specific sample locations shall be established in conjunction with the air sampling professional before abatement activity begins (see Section 855.470).
- g) The contractor shall receive written permission from the building owner to commence abatement. Such written permission shall be submitted to the Department attached with the Notice of Asbestos Abatement Form provided by the Department.
- h) The building owner shall notify all parents, faculty and staff of the pending abatement project and notify the contractor with written verification of such notification. Such written verification shall be submitted to the Department by the contractor attached to the Notice

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of Asbestos Abatement Form provided by the Department.

- i) The contractor shall be responsible for providing personal protection for its employees according to the OSHA Construction Standard 29 CFR 1926.1101 (effective October 11, 1994).

**Section 855.460 Removal Procedures**

The contractor shall remove ACM in accordance with the following procedures:

- a) The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.

- b) All ACM shall be wetted with an amended water solution using equipment capable of providing a fine spray mist in order to reduce airborne fiber concentrations when the material is disturbed. The material shall be saturated to the substrate; however, excessive water shall not be allowed to accumulate in the work area. All removed material shall be kept wet enough to prevent fiber release until containerized for disposal. A high humidity in the work area shall be maintained by misting or spraying to assist in fiber settling and to reduce airborne concentrations.
- c) Saturated ACM shall be removed and containerized before moving to a new location for continuance of work. Surrounding areas shall be periodically sprayed and maintained in a wet condition until visible material is cleaned up.
- d) Material removed from building structures or components shall not be dropped or thrown to the floor. Material shall be removed as intact sections or components whenever possible and carefully lowered to the floor. If this cannot be done for materials greater than 50 feet above the floor, a chute which does not allow dust to escape shall be constructed to transport the material to containers on the floor or the materials shall be containerized at elevated levels (e.g., on scaffolds) and carefully lowered to the ground by mechanical means. Materials between 15 and 50 feet above the ground may be containerized at elevated levels or dropped onto inclined chutes for subsequent collection and containerization.

- e) Containers (six mil polyethylene or equivalent labeled bags or labeled drums) shall be sealed when full. ACM shall be double bagged when polyethylene bags are used for disposal. Double bagging shall occur in the work area. Bags shall not be overfilled. The bags shall be sealed to prevent accidental opening and leakage by tying the tops in an overhand knot or by taping in gooseneck fashion. Bags shall not be sealed with wire or cord. Bags may be placed in drums for staging and transportation to the landfill. Bags shall be decontaminated on exterior surfaces by wet cleaning before being placed in clean drums and sealed with locking ring tops.
- f) Large components shall be wrapped in two layers of six mil polyethylene or equivalent sheeting, secured with tape and labeled ACM prior to transport to the landfill.



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- g) Asbestos-containing waste materials with sharp-edged components (e.g., nails, screws, metal lath, tin sheeting, floor tile, and metal ceiling components) which may tear the polyethylene bags or sheeting shall be placed into drums for disposal. In lieu of disposal drums, floor tile may be wrapped in two layers of reinforced plastic or one layer of burlap and two six mil labeled polyethylene or equivalent bags.
- h) After completion of stripping of ACM, surfaces from which asbestos-containing building materials have been removed shall be cleaned (e.g., wet brushed and sponged) to remove all visible residue.

**Section 855.465 Cleanup Procedures**

The contractor shall perform the cleanup in accordance with the following procedures:

- a) The negative pressure ventilation units shall remain in continuous operation.
- b) Decontamination enclosure systems shall remain in place, remain functional at all times, and be utilized.
- c) All visible accumulations of ACM and asbestos-contaminated debris shall be removed and containerized. Tools which are not electrically conducting and which have no sharp edges or corners likely to tear containment barriers (e.g., rubber dust pans, rubber squeegees, or plastic shovels) shall be utilized.
- d) All containerized waste shall be removed from the work area and the holding area on a daily basis. The contractor may temporarily store ACM in large metal, locked dumpsters or an enclosed truck at the abatement site. At the conclusion of the abatement project, all temporarily stored ACM shall be removed from the abatement site and be transported to a regulated landfill location approved for disposal of asbestos-containing waste.
- e) The contained area shall be thoroughly cleaned in accordance with the following procedures:
  - 1) First cleaning: all surfaces in the contained area shall be wet cleaned using rags, mops and sponges. To pick up excess water and gross wet debris, a wet-dry shop vacuum or HEPA vacuum may be used. If a vacuum is used, it shall be decontaminated prior to removal from the contained area. The contractor shall then wait a minimum of 12 hours before proceeding with clean-up.
  - 2) At the conclusion of the 12 hour waiting period, if no water is visible on surfaces, the cleaned first layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.
  - 3) Second cleaning: the second layer of plastic sheeting and all objects and surfaces in the contained area shall be HEPA vacuumed and/or wet cleaned. The contractor shall then wait a minimum of 12 hours before proceeding to the next step.
  - 4) If no visible moisture remains on surfaces in the contained area at the conclusion of the 12 hour period, the cleaned second layer

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- of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.
- 5) Third cleaning: windows, doors, HVAC system vents and all other openings shall remain sealed. All objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned. The contractor shall wait a minimum of 12 hours drying time before proceeding.
  - 6) If all surfaces in the contained area are dry at the end of the 12 hour period, the contractor shall inspect the contained area for visible residue. If any accumulation of residue is observed, the residue will be assumed to be asbestos and the process described in step 5 shall be repeated.

**Section 855.470 Clearance Air Monitoring and Analysis**

- a) Following the completion of Section 855.465, cleanup procedures, the contractor shall notify the project manager that contained areas are ready for clearance air monitoring.
- b) The project manager shall conduct a visual inspection of the contained area. The project manager shall document the findings of the inspection. If the project manager finds the contained area to be clean, he or she shall then arrange for the air sampling professional to sample the air in the work area and adjacent areas for airborne fiber concentrations. The air sampling professional shall conduct clearance air monitoring as explained in this Section.
- c) Sampling shall not begin until at least 12 hours after wet cleaning has been completed. Air sampling may not be conducted unless all surfaces in the contained area are dry.
- d) The HEPA filtered negative air pressure equipment shall be in operation in the contained area during clearance air monitoring.
- e) The air sampling procedures and analysis shall be conducted in accordance with Asbestos Hazard Emergency Response Act (AHERA) (40 CFR 763) and Section 855.170(b)(1) requirements.
- f) Air sampling equipment shall be placed randomly in the work areas, but shall not be placed in corners of rooms or near obstructions.
- g) The following aggressive sampling techniques shall be used during all clearance air monitoring:
  - 1) Before sampling begins, the exhaust from forced air equipment (such as a one horsepower leaf blower) shall be directed against all walls, ceilings, floors, ledges and other surfaces in the room. This procedure requires at least five minutes per 1,000 sq. ft. of floor.
  - 2) 20-inch fans shall be used for air circulation during the sampling procedure. The fan exhaust shall be directed toward the ceiling. The fans shall be operated on the lowest speed setting. Fans shall be operated in the center of each room where sampling will take place. At least one fan per 10,000 cubic feet of room space shall be used.
- h) The air sampling professional shall report the clearance air



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monitoring results in writing to the project manager.

- i) If the air sampling results indicate a concentration of airborne asbestos fibers in excess of AHERA clearance criteria (70 structures per millimeter squared), the contractor shall re-clean the contained area. The contractor shall not be released until the contained area meets AHERA clearance criteria.

**Section 855.475 Disposal Procedures**

- a) Sealed and labeled containers of asbestos-containing waste material shall be removed and transported to a prearranged disposal location.
- b) All dump receipts, trip tickets, transportation manifests and/or other documentation of disposal shall be delivered to the building owner for his records. A recordkeeping format utilizing a chain-of-custody form shall include the names and addresses of the building owner, contractor, pickup site, disposal site, the estimated quantity of the asbestos waste and the type and number of containers used. The form shall be signed by the building owner, the contractor, and the disposal site operator, as the material changes custody. If a separate hauler is employed, his name, address, telephone number and signature shall also appear on the form.
- c) The contractor shall transport asbestos materials in accordance with the following procedures:
  - 1) Drums, bags and wrapped components that have been removed from the work area shall be loaded into an enclosed truck for transportation. Cargo areas shall be locked when unattended.
  - 2) The enclosed cargo area of the truck shall be free of debris and lined with six mil polyethylene or equivalent sheeting to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall overlap by six inches and be taped into place.
  - 3) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall not be placed on top of bags of asbestos-containing materials and shall be secured to prevent shifting. Containers shall not be thrown into the truck cargo area.
  - 4) Personnel loading asbestos-containing waste shall be licensed workers and shall be protected by disposable clothing, including head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual cartridge respirators equipped with high efficiency HEPA filters.
  - 5) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA filtered vacuum equipment and/or wet methods.
  - 6) Dumpsters or enclosed cargo areas of trucks used for asbestos waste storage or disposal shall be constructed of metal and have

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metal doors and metal tops that can be closed and locked to prevent vandalism, wind dispersion of asbestos fibers, or other disturbance of bagged asbestos debris. Unbagged material and nonasbestos waste shall not be placed in these containers. Bags shall be placed, not thrown, into these containers to avoid splitting.

- 7) Asbestos-containing waste materials shall be transported directly to the landfill. Temporary storage at a location other than the abatement project shall not be permitted.
- d) The contractor shall dispose of asbestos materials in accordance with the following procedures:
  - 1) Upon reaching the landfill, trucks shall approach the dump location as closely as possible for unloading of the asbestos-containing waste.
  - 2) Bags, drums and components shall be inspected when off-loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags.
  - 3) Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks (the weight of the wet material could rupture containers).
  - 4) Personnel off-loading containers at the disposal site shall wear protective equipment consisting of disposable head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual cartridge respirators equipped with high efficiency HEPA filters.
  - 5) Following the removal of all containerized waste, the truck cargo area shall be decontaminated using HEPA vacuums and/or wet methods. Polyethylene sheeting shall be removed and discarded in bags or drums along with contaminated cleaning materials and protective clothing daily.

**Section 855.480 Glovebag Procedures**

Glovebag procedures for repair or removal of pipe insulation shall be conducted using commercially available glovebags of six mil clear polyethylene or equivalent, appropriately sized for the project. Glovebag procedures for the repair or removal of pipe insulation shall be conducted in a mini-containment area (including the floor) constructed of one layer of six mil polyethylene in the shape of a triangle or rectangle, or the work area shall be prepared according to all parts of Section 855.400, except in lieu of two layers of polyethylene being applied to the walls and floors according to Section 855.400(i), the walls and floors of the work area shall be covered with one layer of six mil polyethylene. Negative air pressure may be provided by HEPA vacuum cleaning equipment. The HEPA vacuum exhaust may discharge to the interior or exterior of the building.

- a) All necessary tools and materials shall be brought into the work area before the glovebag procedure begins.
- b) The air sampling professional shall collect the following air samples in each contained area:

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- 1) One area air sample.
- 2) One area sample at each discharge from the exhaust of negative pressure ventilation equipment.
- 3) After the first cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. After the second cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. Final air clearance shall be conducted by the air sampling professional.
- c) Glovebag procedures shall be done by a minimum of two licensed asbestos workers trained in glovebag procedures and equipped with full personal protective equipment. Full personal protective equipment means the entire body is covered with disposable clothing including head, torso, arms, legs and feet. Hands may be left exposed to provide greater mobility. Respirator protection shall be provided and shall consist of a minimum of an air purifying respirator with a HEPA filter.
- d) The outer diameter of pipe insulation to be removed shall not exceed one half of the bag's working length/height above the attached gloves.
- e) The bag is to be attached securely around the insulation in a manner to prevent air transfer.
- f) The integrity of the glovebag seal shall be smoke tested. The contents of a smoke tube shall be injected through the water port access sleeve of the bag. After twist sealing the access sleeve, the bag shall be squeezed gently to check for leakage points, which are then taped airtight.
- g) If the pipe insulation adjacent to the section which will be worked on is damaged, or if the pipe insulation terminates, is jointed, or contains an elbow adjacent to the work section, the adjacent insulation shall be wrapped in six mil polyethylene sheeting and sealed airtight with duct tape.
- h) The ACM within the secured glovebag shall be wetted with amended water prior to removal.
- i) After the insulation has been repaired or removed, the unprotected pipe shall be sprayed with amended water and scrubbed with a bristle or nylon brush to remove all visible ACM. The pipe, the interior of the bag, the insulation, and the tools shall then be sprayed with amended water. The enclosed atmosphere shall be misted, and sufficient time shall be allowed for the mist to settle out before breaking the seal to remove the glovebag.
- j) Any exposed pipe insulation ends or repairs created by this procedure shall be:
  - 1) sealed with encapsulant prior to bag removal, or
  - 2) thoroughly wetted before bag removal and sealed with wettable cloth end caps and spray glue or any combination of these materials immediately following bag removal.
- k) The tools shall be pulled through with one or both glove inserts, thus turning the gloves inside out. The glove(s) are then twist sealed

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- forming a new pouch, taped and severed mid-seal forming two separate bags.
- l) A HEPA vacuum shall be used for evacuation of the glovebag in preparation for removal of the bag from the pipe or duct, for clean-up in the event of a spill, and for post project clean-up.
  - m) With the glovebag collapsed and the ACM in the bottom of the bag, the bag shall be twisted several times and taped to seal that section during bag removal.
  - n) A six mil polyethylene or equivalent in strength bag shall be slipped around the glovebag while it is still attached to the pipe. The glovebag shall be detached from the pipe.
  - o) The asbestos-contaminated waste, the clean-up materials, and protective clothing shall be wetted sufficiently, double-bagged minimizing air content, sealed separately, and disposed of in conformance with Section 855.475.
  - p) The contractor or school (for maintenance employees) shall provide, at a minimum, air purifying respirators with HEPA filters in compliance with OSHA regulations 29 CFR 1926.1101(h) and USEPA regulations 40 CFR 763, Subpart IV.

## Section 855.490 Response Contractor Indemnification Fund

- a) Contracts under the Response Action Contractor Indemnification Act shall be submitted to the Department for review along with the following:
  - 1) A completed Response Contractor Indemnification Worksheet provided by the Department.
  - 2) A listing of all Department licensed asbestos professionals named in the contract, their disciplines, and the Department I.D. numbers for that discipline.

- b) The local educational agency seeking indemnification under the Response Action Contractor Indemnification Act shall submit an amount equal to 5% of the total value of the contract to the Department before the start of the project. The payment shall be delivered to the Division of Environmental Health, Illinois Department of Public Health, 525 West Jefferson, Springfield, IL 62761 along with the contract to be reviewed. All checks shall be made payable to the Illinois Department of Public Health for deposit into that fund.
- c) Approval by the Department of any contract for inclusion in the indemnification fund does not in any way constitute endorsement of the terms of said contract, either legal or technical, nor does it constitute any guarantee by this Department of the contractor's ability to complete the terms of said contract.

## Section 855.500 Encapsulation Procedures for Schools

The contractor shall encapsulate the ACM in accordance with the following procedures:



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- a) The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.
- b) Damaged and missing areas of existing materials shall be repaired with nonasbestos-containing substitutes. The material shall adhere to existing surfaces and provide a base for application of encapsulating agents.
- c) Loose or hanging ACM shall be removed in accordance with the requirements of Section 855.460.
- d) The contractor shall field test encapsulants prior to use by applying each to a small area to determine suitability for the material to be encapsulated.
- e) Bridging Encapsulants
  - 1) Bridging encapsulants shall be applied to provide the manufacturer's specified number of inches or minimum dry film thickness over sprayed asbestos surfaces.
  - 2) When using a bridging encapsulant, a different color for each coat shall be used.
- f) Penetrating Encapsulants
  - 1) Penetrating encapsulants shall be applied to penetrate existing asbestos materials to the substrate.
  - 2) During treatment with a penetrating encapsulant, the contractor shall remove selected random core samples of the ACM in the presence of the building owner or the project manager to check the depth of penetration.
- g) Encapsulants shall be applied using airless spray equipment.
- h) Cleanup shall be performed in accordance with Section 855.465.
- i) Encapsulated ACM shall be designated (e.g., labels, signs or color codes) in order to warn building maintenance personnel in the event that encapsulated materials must be disturbed.

**Section 855.510 Enclosure Procedures for Schools**

The contractor shall enclose ACM in accordance with the following procedures:

- a) The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.
- b) Areas that may be disturbed during the installation of hangers or other support/framing materials for the enclosure shall be sprayed with amended water. These areas shall be kept damp to reduce airborne fiber concentrations.
- c) Loose and hanging ACM shall be removed in accordance with the requirements of Section 855.460.
- d) After installation of hangers, brackets or other enclosure supports and before installation of enclosure, damaged areas of fireproofing/thermal insulation materials shall be repaired using a nonasbestos-containing replacement material. Surfaces shall be prepared and replacement material applied in accordance with

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- e) manufacturer's recommendations.
- f) Hand tools used to drill, cut into, or otherwise disturb ACM during the installation of support systems for the enclosures shall be equipped with HEPA filtered local exhaust ventilation.
- g) Enclosure materials shall be impact resistant and provide an airtight barrier once construction is complete (see Section 855.390(i)).
- h) Utilities shall be lowered as necessary and reinstalled in a manner which permits proper utilization and does not disturb the integrity of the enclosures. Utility maintenance shall not require the enclosures to be opened or disturbed.
- i) Cleanup shall be in accordance with Section 855.465.
- j) Enclosed ACM shall be designated (e.g., sign, label or color code) in order to warn building maintenance personnel in the event that the enclosure must be disturbed.

**Section 855.520 Reestablishment of the Work Area and HVAC Systems in Schools**

The contractor shall reestablish the work area in accordance with the following procedure:

- a) Reestablishment of the work area shall only occur following the completion of the cleanup procedures and after clearance air monitoring has been performed and documented to the satisfaction of the school board or building owner.
- b) The contractor and building owner shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning in accordance with Section 855.465.
- c) Additional air monitoring shall be performed in accordance with Section 855.470 if additional cleanup is necessary.
- d) Following completion of clearance air monitoring of the work area in accordance with Section 855.470, remaining polyethylene barriers and worker and equipment decontamination enclosure systems shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.
- e) Mounted objects removed from former positions during area preparation activities may be resecured.
- f) Objects that were removed to temporary locations may be relocated to original positions.
- g) New filters shall be installed in HVAC systems, and mechanical and electrical systems shall be reestablished in working order.

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

**Section 855.600 Adverse Licensure Action**

The Department shall provide written notice via certified mail of its decision



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to deny, suspend or revoke a license. The applicant or licensee shall have 15 days to submit a written request for an administrative hearing to contest the Department's decision. The Department's decision to deny, suspend or revoke a license shall be based upon one or more of the following reasons:

- a) The person has falsified information on the application for licensure.
- b) The person has performed duties outside the areas for which he is licensed.
- c) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.
- d) The person has violated any provision of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, or this Part.
- e) The person has violated the registration and licensing standards for Professional Engineers [225 ILCS 325], Structural Engineers [225 ILCS 340], Architects [225 ILCS 305] or Industrial Hygienists [225 ILCS 52], as applicable. The Department may use findings by the Department of Professional Regulation, Illinois EPA or adverse civil or criminal findings in a circuit court as a basis for its action.
- f) The person has submitted fraudulent or altered documentation, license, or certificate to the Department, to a building owner or representative or agent thereof, or to a contractor.
- g) The person has performed work requiring licensure at a job site without being in possession of the license and initial and current refresher certificates.
- h) The person has permitted the duplication or use of his/her own license or training certificate by another.
- i) The person has obtained training from a training provider which is not accredited by the Department.
- j) The person has submitted an application fee which was returned for insufficient funds.

## Section 855.610 Fines and Penalties

- a) In addition to any other action authorized by the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, the Department may assess fines and penalties against a person for violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part. The Department shall review each inspection report and stop work order according to criteria provided by this Section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
  - 1) Whether a stop work order has been issued by the Department, and whether such order was strictly obeyed by the person.

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- 2) Whether the person has previously been cited for a violation of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act or this Part, except that any previously cited violation shall not be considered if such violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three years prior.
- 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment, to the person's agents or employees, to the building owner, users, or occupants, or to the general public.
- 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees.
- 5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.
- 6) Whether the person is in possession of any falsified asbestos abatement license or certificate or represents themselves as authorized to conduct work without a valid license in a fraudulent manner.
- 7) Whether the person falsified an inspection for asbestos containing building materials.
- c) Criteria to determine the amount of a fine and/or penalty for a violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.
  - 1) First violation - the person may be issued a fine of up to \$1,000.
  - 2) Each day a violation exists shall constitute a separate or repeat violation.
  - 3) Repeat violation - the person shall be issued a minimum fine of \$1,000 plus additional fines calculated according to the following criteria:
    - A) For each stop work order: \$1,000 plus \$1,500 per work day during which such order is in effect and during which the condition(s) upon which the order is based remains uncorrected.
    - B) For each violation which may cause or result in harm or injury to the health or safety of the agents or employees of the person present at the work site (e.g., improper protective equipment or a contaminated clean room): \$100 multiplied by the number of such agents or employees present at the work site at any time on the date of the violation.
    - C) For each violation which may cause or result in harm or injury to the health or safety of the building owners,

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users, or occupants of the building (e.g., a tear in a polyethylene barrier between a work area and an occupied area): \$100 multiplied by the number of persons present at the work site or in the building at any time on the date of violation.

D) For each violation which may cause or result in contamination with asbestos fibers of any part of the building other than the work site (e.g., a tear in a polyethylene barrier): \$1,000.

4) For a third violation of a provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, a licensee, in addition to the fines and penalties in subsection (c)(3) of this Section, may have his or her license denied, suspended or revoked.

5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of five or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine and/or penalty pursuant to subsections (c)(3) and (4) of this Section.

d) The Department shall serve notice of fine and/or penalty assessments, and provide the same rights and opportunity for hearing, as provided in Section 6(c) of the Asbestos Abatement Act [105 ILCS 105/6(c)], Section 20 of the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207/20], and this Section. In the event a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty shall be due immediately upon issuance of a final order by the Department in the action.

e) All fine and/or penalty assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law [735 ILCS 5/Art. III], unless the person has within that time filed proceedings in administrative review specifically appealing the fine and/or penalty assessment and unless the court has stayed enforcement of the fine and/or penalty assessment.

**Section 855.620 Administrative Hearings**

All hearings shall be conducted pursuant to the Commercial and Public Building Asbestos Abatement Act, the Asbestos Abatement Act, and the Department's Rules of Practice and Procedures in Administrative Hearings, 77 Ill. Adm. Code 100.

**Section 855.630 Emergency Stop Work Orders for Commercial and Public Buildings**

In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons, the Department may direct an entity to cease and desist asbestos abatement activities, to halt the activity

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causing or contributing to the danger, or to take such other action as may be necessary. The contractor or contractors subject to the order will be removed from the list provided for in Section 20 of the Commercial and Public Building Asbestos Abatement Act. The Department shall authorize the reinstatement of the asbestos abatement activities and reinstatement of the contractor to the Department's list of contractors when the activities that are the subject of the emergency stop work order have been brought into compliance with the requirements of applicable State and federal requirements and this Part.

**Section 855.640 Emergency Stop Work Orders for Schools**

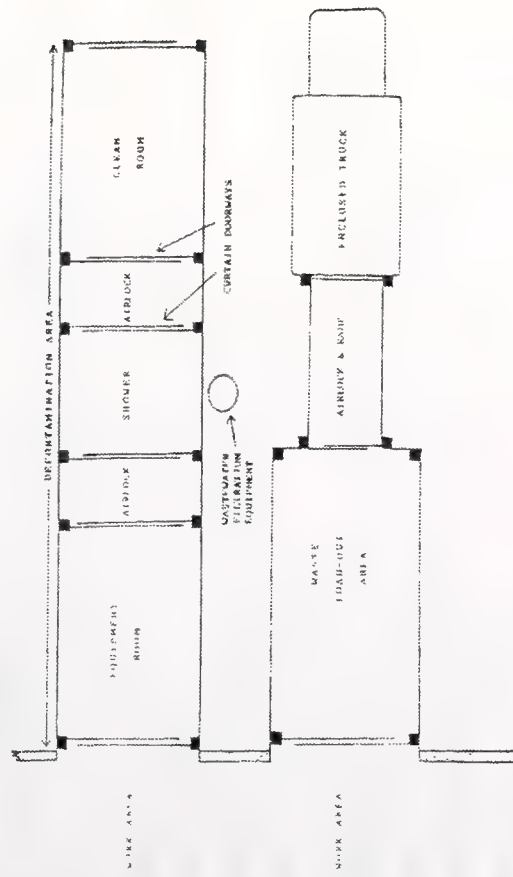
Whenever the Department finds that an emergency exists which requires action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including but not limited to the issuance of a stop work order and the immediate removal of a contractor or contractors from the list provided for in Section 10 of the Asbestos Abatement Act [105 ILCS 105/10]. Notwithstanding any other provision in that Act, such order shall be effective immediately. The State's Attorney and sheriff of the county in which the school is located shall enforce the order after receiving notice thereof. Any contractor affected by such an order is entitled, upon request, to a hearing as provided for in rules and regulations promulgated pursuant to the Asbestos Abatement Act. When such conditions are abated, in the opinion of the Department, the Department may authorize the reinstatement of the activities and inclusion on the list of contractors of those activities and contractors which were the subject of a stop work order. (Section 12a of the Asbestos Abatement Act)

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Section 855, APPENDIX A - Project Form  
ILLUSTRATION A - Worker and Equipment Decontamination Systems



Sketch of Typical Decontamination Area and Waste Load-out Area



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## Section 855.APPENDIX B Illustrations-Inspection and Management Plan Forms

## Section 855.ILLUSTRATION A Building Inspection for Friable and Nonfriable Materials

School Building I.D.# \_\_\_\_\_ Inspection Completion Date \_\_\_\_\_

School District Name \_\_\_\_\_

School Official Name \_\_\_\_\_

School Building Name \_\_\_\_\_

School Building Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Total Square Footage \_\_\_\_\_ Total School Occupancy \_\_\_\_\_

Total Past Occupancy \_\_\_\_\_

Total Man Hours For Inspection \_\_\_\_\_

Total Man Hours for the Report Preparation \_\_\_\_\_

Inspection Company \_\_\_\_\_ Phone \_\_\_\_\_

Company Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

School Inspector's \_\_\_\_\_ I.D.# \_\_\_\_\_ Date \_\_\_\_\_  
Signature

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## Section 855.ILLUSTRATION B Inspection Report Form

Category \_\_\_\_\_

Sample Area I.D. \_\_\_\_\_ Inspection Date \_\_\_\_\_

School I.D.# \_\_\_\_\_

School Name \_\_\_\_\_

School Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Room(s) \_\_\_\_\_ Sample Numbers \_\_\_\_\_

Inspector Name(s) and I.D.#(s) \_\_\_\_\_

Location of Area: \_\_\_\_\_

Description of Material Sampled: \_\_\_\_\_

Friability: High \_\_\_\_\_ Moderate \_\_\_\_\_ Low \_\_\_\_\_ Area Estimate: \_\_\_\_\_ Ft.

Water Damage: Yes \_\_\_\_\_ No \_\_\_\_\_ Pipe Diameter: \_\_\_\_\_ In.

Physical Damage: Heavy \_\_\_\_\_ Moderate \_\_\_\_\_ Low \_\_\_\_\_ None \_\_\_\_\_

Type of Wall: Smooth Concrete \_\_\_\_\_ Gypsum Board \_\_\_\_\_ Textured  
Concrete \_\_\_\_\_ Masonry \_\_\_\_\_ Other \_\_\_\_\_Type \_\_\_\_\_ of Floor: Concrete \_\_\_\_\_ Carpet \_\_\_\_\_ Tile \_\_\_\_\_ Wood  
\_\_\_\_\_ Other \_\_\_\_\_Type of Ceiling: Acoustic Tile \_\_\_\_\_ Exposed Structure \_\_\_\_\_ Textured  
Plaster \_\_\_\_\_

## Accessibility:

Height of friable material from floor: \_\_\_\_\_ Ft.

Existence of barriers: Suspended Ceiling \_\_\_\_\_  
Encapsulation \_\_\_\_\_ Other \_\_\_\_\_

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Proximity to items requiring maintenance: Electrical \_\_\_  
Ventilation \_\_\_ Plumbing \_\_\_ Other \_\_\_  
Less than 1 Ft. \_\_\_ More than 1 Ft.-Less than 5 Ft. \_\_\_  
More than 5 Ft. \_\_\_

Ventilation Systems:

Vents near friable material: Yes \_\_\_ No \_\_\_

Distance \_\_\_ Ft. Return Grille \_\_\_ Supply Grille \_\_\_

Air Movement: Heavy \_\_\_ Moderate \_\_\_ Low \_\_\_

Activity and Movement:

Use of Room: \_\_\_

Activity: High \_\_\_ Moderate \_\_\_ Low \_\_\_

What is above the room? \_\_\_

What is adjacent to the room? \_\_\_

Comments: \_\_\_

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Section 855. APPENDIX B - Illustrations - Inspection and Management Plan Forms  
Section 855. ILLUSTRATION C - Sampling Area Diagram (Ceiling and Floor)

Descriptions Sampling area ID #1

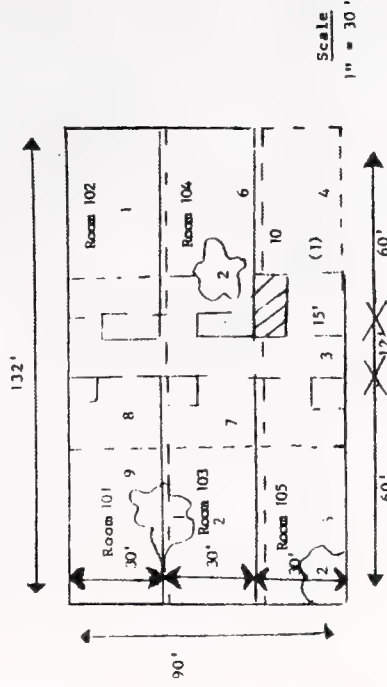
Classroom Annex (Constructed in 1962)

Friable Ceiling Material - First Floor Classroom

Gray Textured spray finish

Stuccoed in appearance

All ceiling areas sketched below comprise sampling area (1), with one exception noted.



(Measurements are inside dimensions)

k) Water Damage

l) Ceiling broken and falling

m) Stairwell ceiling not friable - not in sampling area (1)

School ID # \_\_\_\_\_ School Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone Number \_\_\_\_\_  
Inspector Name & ID# \_\_\_\_\_ Date of Inspection \_\_\_\_\_





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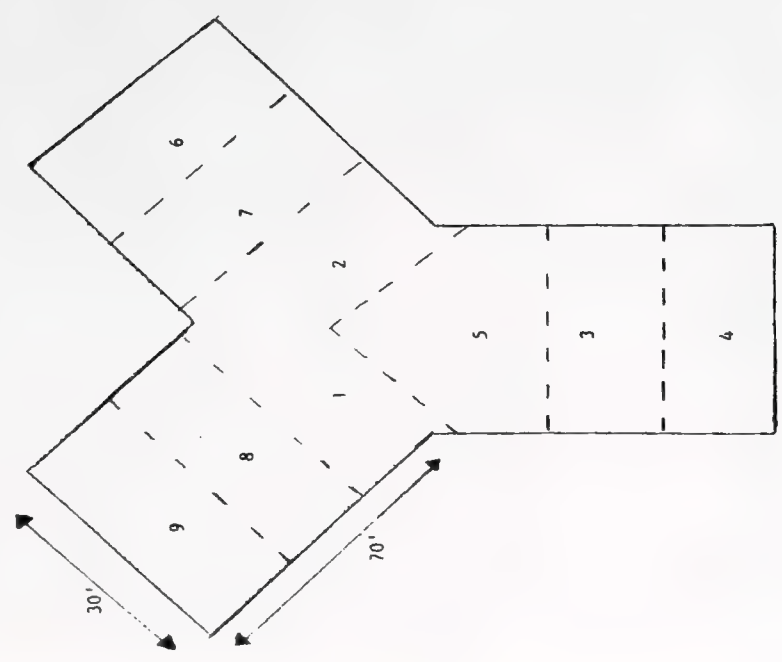
Section 855. APPENDIX B - Illustrations - Inspection and Management Plan Forms  
Section 855. ILLUSTRATION E - Random Sampling Table

For each sampling area, take the first sample from the center of subarea marked 1, take the second sample from the center of subarea marked 2, etc.

<u>Sampling Area</u>	<u>Sampling Locations</u>	<u>Sampling Area</u>	<u>Sampling Locations</u>	<u>Sampling Area</u>	<u>Sampling Locations</u>																											
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NOTICE OF ADOPTED RULES

Section 855. APPENDIX B - Illustrations - Inspection and Management Plan Forms  
Section 855. ILLUSTRATION F - Irregularly Shaped Random Sampling Area



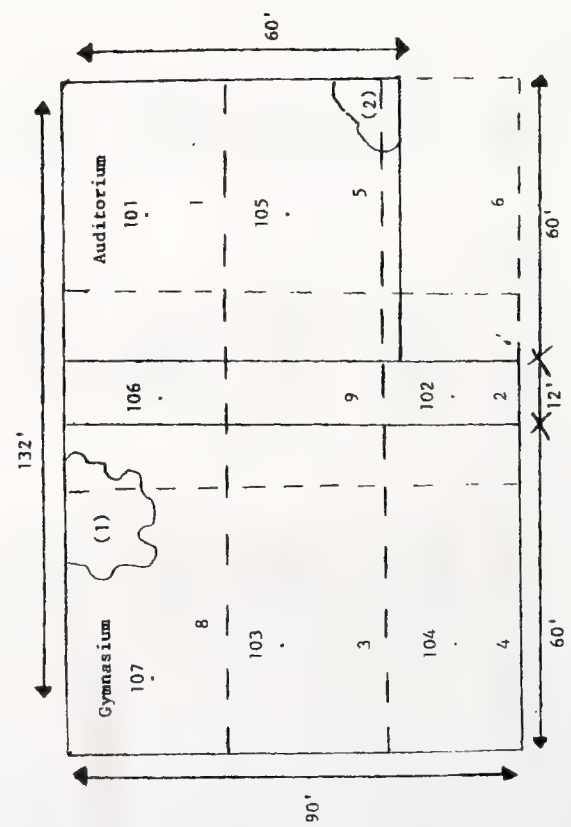
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED RULES

School: \_\_\_\_\_ School Official: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
Inspector: \_\_\_\_\_ Diagram Prepared By: \_\_\_\_\_  
Inspection Date: \_\_\_\_\_

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED RULES

Section 855. ILLUSTRATION G Regular Shaped Random Sampling Area

Description: Sampling Area I.D.  
Activity Center Annex (Construction in 1962)  
Gray textured spray finish  
Stuccoed in appearance  
All ceiling areas sketched below comprise Sampling Area (2)



(1) Water Damage  
(2) Ceiling broken and falling

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

**Section 855. ILLUSTRATION H Protocol for Asbestos Management Plan**

a) The name and address of each school building and whether the school building contains friable ACM, and friable and nonfriable suspected ACM assumed to be ACM.

b) For each inspection conducted:

- 1) The date of the inspection.
  - 2) A blueprint, diagram, or written description of each school building that identified clearly each location and approximate square or linear feet of any homogeneous or sampling area where material was sampled for ACM, and, if possible, the exact locations where each bulk sample was collected, date of collection, homogeneous areas where nonfriable suspected ACM is assumed to be ACM.
  - 3) A copy of the analyses of any bulk samples, dates of analyses, and a copy of any other laboratory reports pertaining to the analyses.
  - 4) A description of any response actions or preventive measures taken to reduce asbestos exposure, including the names, addresses and IDPH license I.D. numbers of all contractors involved, start and completion dates of the work, and results of any air samples analyzed during and upon completion of the work.
  - 5) A description of assessment, required to be made under 40 CFR 763.88, of material that was identified as friable ACM or friable suspected ACM assumed to be ACM, and the name, IDPH license I.D. number, signature and copies of accreditation certificates of the licensed inspector.
- c) For each inspection and reinspection conducted under 40 CFR 763.85:
- 1) The date of the inspection or reinspection and the name, IDPH license I.D. number and signature of each licensed inspector performing the inspection or reinspection.
  - 2) A blueprint, diagram, or written description of each school building that identifies clearly each location and approximate square or linear feet of homogeneous areas where materials were sampled for ACM, the exact location where each bulk sample was collected, date of collection, homogeneous areas where friable suspected ACM is assumed to be ACM, and where nonfriable suspected ACM is assumed to be ACM.
  - 3) A description of the manner used to determine sampling locations, and the name, IDPH license number and signature of each inspector collecting samples.
  - 4) A copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of 40 CFR 763.87(a), the date of analysis, and the name and signature of the person performing the analysis.
  - 5) A description of assessments, required to be made under 40 CFR

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763.88, of all ACM and suspected ACM assumed to be ACM, and the name, IDPH license I.D. number, signature and accreditation certificates of the licensed inspector.

- 6) The name, address, and telephone number of the person designated under 40 CFR 763.84 to ensure that the duties of the local education agency are carried out, and the course name, and dates and hours of training completed by that person to carry out the duties.
- 7) The recommendations made to the local agency regarding response actions, under 40 CFR 763.88(d), the name, IDPH license I.D. number and signature of each person making the recommendations.
- 8) A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure and response action.
- 9) With respect to the person or persons who inspected for ACM and who will design or carry out response actions, except for operations and maintenance, the person(s) shall be licensed in accordance with Section 855.100 of this Part.
- 10) A detailed description in the form of a blueprint, diagram, or in writing of any ACM or suspected ACM assumed to be ACM which remains in the school once response actions are undertaken pursuant to 40 CFR 763.90. This description shall be updated as response actions are completed.
- 11) A plan for reinspection under 40 CFR 763.85, a plan for operations and maintenance activities under 40 CFR 763.91, and a plan for periodic surveillance under 40 CFR 763.92, a description of the recommendation made by the IDPH licensed management planner regarding additional cleaning under 40 CFR 763.91(c)(2) as part of an operations and maintenance program, and the response of the local education agency to that recommendation.
- 12) A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, reinspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
- 13) An evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.
- 14) With respect to each consultant who contributed to the management plan, the name, IDPH license I.D. number, and signature of the consultant.
- 15) A local education agency may require each management plan to contain a statement signed by a Department licensed management planner that such person has prepared or assisted in the preparation of such plan or has reviewed such plan, and that such plan is in compliance with Section 855.325 of this Part. Such



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## NOTICE OF ADOPTED RULES

statement may not be signed by a person who, in addition to preparing or assisting in preparing the management plan, also implements (or will implement) the management plan.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

**Section 855. ILLUSTRATION I - Outline for Asbestos Management Plan**

The management plan should be written to address all the requirements of the Asbestos Hazard Emergency Response Act as delineated in 40 CFR 763. However, the level of detail and presentation format should be easily understood and followed by individuals with limited technical background and expertise. The following is the format to be used by management planners for local educational agency facilities in Illinois:

**Title Page:**

Document title, name and address of school facility, name and IDPH license number of the inspector and management planner, date of inspection and building owner name and address.

**Policy Statement:**

A policy or position statement should be included to define the position of the building owner and management planner. This shall be signed by both parties.

**Document Summary:**

Prepared in accordance with guidance contained in 40 CFR 763.  
Procedure for updating the document (response action completion, interim 6 month and annual surveys).  
Responsible parties and certificates of documentation.

**Table of Contents:**

Sections and Appendices

**Section I**

General building description

General facility layout

History of asbestos detection and abatement efforts  
Summary of the building inspection, including inspection protocol, number of samples collected, analytical protocol, quality control, and a listing of areas where ACM (Asbestos Containing Building Material) was identified

**Section II**

ACBM functional characterization, assessment, and responses (each homogeneous functional area is addressed separately).

Narrative description

ACBM physical assessment

Hazard assessment

Response action determined

Health and safety measures

**Section III**

Surveillance and Reinspection

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6 month periodic surveillance, responsible personnel, tentative schedule, survey parameters, documentation provided

Three year reinspection, licensed inspector and management planner, tentative schedule, survey parameters, documentation provided

## Section IV

## Training

Mandatory 2 hours training session for maintenance and custodial personnel, responsible individuals, course content, tentative schedule

Optional additional 14 hours for personnel potentially coming into contact with ACM, responsible individuals, course content documentation of training

## Section V

Operation and maintenance (include a policy statement of the intent to integrate O & M with response actions, and that contractors will accomplish all cleaning, recleaning, patch and spot repairs, etc.)

Posting requirements

Contingency plan for minor fiber release episodes and major fiber release episodes

Asbestos coordinator responsibilities

Method of notification

Documentation

## Appendix A

Bulk sample results

## Appendix B

Response action documentation, including location of response action for each functional area, type of response action (e.g., removal, cleaning), names and addresses of all contractors, IDPH license I.D. numbers of all contractors, starting and completion dates of the work, results of pre-, during, and post-abatement air sampling data, type and quality of material involved, disposal, cost

## Appendix C

Six month periodic surveillance records, including general description (visually surveyed for changes in material conditions), date of survey, and name of surveyor

## Appendix D

Three year reinspection records, including name and IDPH license I.D. number, copies of the license and accreditation certifications of inspector and management planner, date of inspection, visual inspection summary assessment of material conditions (type and extent of damage, accessibility, etc.),

## DEPARTMENT OF PUBLIC HEALTH

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record of any bulk samples collected with locations and analytical results

## Appendix E

Training documentation, including certificates of 2-hour training courses for custodial and maintenance personnel, name of person who conducted the training, and additional training certificates for asbestosworker training program

## Appendix F

Management Plan availability, including copies of notices posted and dates of such posting

The above format has been designed in such a way as to allow the inclusion of additional information as the asbestos program progresses. It should be recognized that the management plan, with its O & M component, is a dynamic document intended to inform the reviewer of the past history and the progress and accomplishment of the various response actions undertaken or to be implemented. The appendices serve this function by permitting the insertion of new data and records as the program progresses. In this way, the document remains current without having to make major changes to the narrative text, which can become costly, inconvenient, and time consuming. This format also allows the management planner to design the forms.

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers:  
3040.470 Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date of Amendments: March 18, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department? March 18, 1999
- 8) A copy of the emergency amendment is available for public inspection at the Illinois State Library reference desk, 2nd floor, Illinois State Library, 300 S. Second Street, Springfield.
- 9) Reason for Emergency: FY99 funds for the Early Childhood Reading Program Centers must be expended between January 1, 1999 and June 30, 1999.
- 10) A complete description of the Subjects and Issues involved: This rulemaking adds a new component to the literacy grant programs to improve children's chances for success.
- 11) Are there any proposed amendments pending for this Part: No
- 12) Statement of Statewide Policy Objectives: The Illinois State Library is working through various grant programs to reduce the illiteracy rate in Illinois by providing instruction to adults and children most in need of improving their literacy skills.
- 13) Information and questions regarding this emergency amendment shall be directed to:  
  
Ms. Kathleen L. Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield IL 62701-1796  
217/785-0052  
217/782-8261 FAX  
kbloom@library.sos.state.il.us INTERNET

The full text of the Emergency Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3040  
LITERACY GRANT PROGRAM

## SUBPART A: LITERACY PROVIDER PROGRAM

Section  
3040.100 Purpose  
3040.110 Definitions  
3040.120 Application for Grant  
3040.130 Review of Grant Applications  
3040.140 Award of Grants and Recordkeeping  
3040.150 Cancellation of Grant  
3040.160 Fiscal Procedures  
3040.170 Other Requirements  
3040.180 Invalidity

## SUBPART B: WORKPLACE LITERACY PROGRAM

Section  
3040.200 Purpose  
3040.210 Definitions  
3040.220 Application for Grant  
3040.230 Review of Grant Applications  
3040.240 Award of Grant, Financial Reports, and Program Progress Reports  
3040.250 Cancellation of Grant  
3040.260 Other Requirements  
3040.270 Invalidity

## SUBPART C: FAMILY LITERACY PROGRAM

Section  
3040.300 Purpose  
3040.310 Definitions  
3040.320 Eligible Applicants  
3040.330 Grant Applications

## SUBPART D: SPECIAL GRANT PROGRAMS

Section  
3040.400 Making Work Pay Grant Program  
3040.450 New Chapters Grant Program  
3040.470 Penny Severns' Early Childhood Reading Program Centers Grant  
EMERGENCY  
Program



## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

**AUTHORITY:** Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

**SOURCE:** Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days.

## SUBPART D: SPECIAL GRANT PROGRAMS

**Section 3040.470 Penny Severns' Early Childhood Reading Program Centers Grant**  
**Program**  
**EMERGENCY**

## a) Competitive grants

1) Application for the Penny Severns' Early Childhood Reading Program Centers shall be made according to a deadline and criteria to be established by the State Librarian on an annual basis. Applicants shall use the forms prescribed by the Secretary of State for that purpose. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.

2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to, a review of:

- A) Overall project goals and objectives;
- B) Methods used to achieve the stated goals and objectives;
- C) Number of people to be served;
- D) Reasonableness of the budget in relation to the goals and objectives. Proposed budget is reasonable in view of the proposed goals.

3) The number of grants to be awarded is at the discretion of the State Librarian.

4) Applicants must meet requirements designated by the State Librarian for collaboration with other groups interested in promoting reading and literacy.

b) Direct expenditures by the State Librarian may be made to develop one or more reading program centers.

c) Funding awarded under subsections (a) and (b) of this Section may be used for any one or all of the following purposes:

1) Development of collections of materials, including learning

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- games, for use by parents working together with their children.
- 2) Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.
  - 3) Provision of support services to assist in families' participation which would include, but not be limited to, child care and transportation.
  - 4) Development of programs on library resources and services for at risk families.

(Source: Added by emergency rulemaking at 23 Ill. Reg. effective March 18, 1999, for a maximum of 150 days)

4115

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 16, 1999 through March 22, 1999 and have been scheduled for review by the Committee at its April 20, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/30/99	Illinois Commerce Commission, Certification of Alternative Retail Electric Suppliers (83 Ill Adm Code 451)	1/4/99 23 Ill Reg 1	4/20/99
4/30/99	Department of Professional Regulation, Acupuncture Practice Act (68 Ill Adm Code 1140)	12/11/98 22 Ill Reg 21293	4/20/99
4/30/99	Department of Professional Regulation, Nursing Home Administrators Licensing and Disciplinary Act (68 Ill Adm Code 1310)	12/4/98 22 Ill Reg 20739	4/20/99
4/30/99	Department of Revenue, Payment of Taxes by Electronic Funds Transfer (86 Ill Adm Code 750)	12/4/98 22 Ill Reg 20797	4/20/99
5/1/99	Department of Nuclear Safety, Fees for Radioactive Material Licensees and Registrants (32 Ill Adm Code 331)	1/29/99 23 Ill Reg 1226	4/20/99
5/2/99	State Board of Elections, Procurement (44 Ill Adm Code 2600)	11/30/98 22 Ill Reg 20441	4/20/99
5/2/99	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	12/11/98 22 Ill Reg 21226	4/20/99
5/2/99	Department of Human Services, Program Description (89 Ill Adm Code 676)	1/4/99 23 Ill Reg 47	4/20/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

5/2/99	Department of Human Services, Service Planning and Provision (89 Ill Adm Code 684)	1/4/99 23 Ill Reg 71	4/20/99
5/2/99	Department of Human Services, Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)	1/4/99 23 Ill Reg 59	4/20/99
5/5/99	Department of Insurance, Insurance Department Complaints (50 Ill Adm Code 926)	10/23/98 22 Ill Reg 19171	4/20/99
5/5/99	Department of Insurance, Health Maintenance Organization (50 Ill Adm Code 5421)	1/15/99 23 Ill Reg 626	4/20/99

## PROCLAMATIONS

99-64

**IRISH-AMERICAN HERITAGE MONTH/ST. PATRICK'S DAY**

WHEREAS, by 1776, nearly 300,000 natives of Ireland had immigrated to the United States; and

WHEREAS, at least eight signers of the Declaration of Independence were of Irish origin; and

WHEREAS, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society; and

WHEREAS, Irish-Americans such as Thomas O'Shaughnessy, Louis Sullivan, Walter Farrell and Finley Peter Dunne have added to Illinois' culture; and

WHEREAS, Irish-Americans have helped to construct several major Illinois projects including the Illinois-Michigan Canal; and

WHEREAS, there will be more than ten St. Patrick parades across Illinois including parades in Chicago sponsored by the St. Patrick's Day Parade Committee; the Rock Island-Bi State Parade sponsored by the St. Patrick Society, Quad Cities U.S.A. Club; in Rockford sponsored by the Irish Marching Society; in Dixon sponsored by the Lee County Irish Heritage Society; in Peoria sponsored by the St. Patrick Society of Peoria; the Chicago Southside parade sponsored by the Southside Irish St. Patrick Committee; in Naperville sponsored by West Suburban Irish Inc.; in Elmhurst sponsored by the Elmhurst St. Patrick's Day Parade Committee; and the Manhattan Irish Fest sponsored by the Lee County Irish Heritage Society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1999 as IRISH-AMERICAN HERITAGE MONTH and March 17, 1999 as ST. PATRICK'S DAY in Illinois and encourage citizens to recognize these observances by taking part in the many ceremonies and activities throughout the State.

Issued by the Governor March 4, 1999.

Filed by the Secretary of State March 15, 1999.

99-65

**NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY**

WHEREAS, the Chicago Area Chapter of the National Association of Women Business Owners (NAWBO) is one of the largest of the more than 70 chapters throughout the United States; and

WHEREAS, NAWBO serves as a voice for the 8 million women business owners who employ 18.5 million people and do \$2.3 trillion in business each year; and

WHEREAS, NAWBO is an educational and business opportunity resource that provides valuable research data showing the economic impact of women; and

WHEREAS, through participation in NAWBO women business owners have the ability to network and mentor others; and

WHEREAS, on April 21, 1999, the Chicago Area Chapter of NAWBO will hold its Celebration of Achievement Luncheon featuring Nancy Brinker, founder of the Susan G. Komen Breast Cancer Foundation, and will celebrate by presenting the Chapter's 1999 Woman Business Owner of the Year Award;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 21, 1999, as NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois and congratulate the Chicago Area Chapter of NAWBO and all of its

## PROCLAMATIONS

officers and members for their many accomplishments on behalf of women business owners.

Issued by the Governor March 5, 1999.

Filed by the Secretary of State March 15, 1999.

99-66

**TIBETAN AWARENESS DAY**

WHEREAS, Illinois has been chosen as a primary site for the U.S. Tibetan Resettlement Project. The project will help Tibetans resettle to Illinois and preserve Tibet's historical and cultural heritage; and

WHEREAS, on March 10, 1999, Tibetans throughout the world will gather to commemorate the 40th anniversary of the struggle for freedom and independence of their country; and

WHEREAS, in 1989, his Holiness the fourteenth Dalai Lama, leader of the Tibetan people, was awarded the Nobel Peace Prize for his continued efforts toward a peaceful resolution to the occupation of Tibet; and

WHEREAS, the resolve of the Tibetan people to preserve their culture and human rights is an inspiration to all who cherish liberty;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 10, 1999, as TIBETAN AWARENESS DAY in Illinois.

Issued by the Governor March 5, 1999.

Filed by the Secretary of State March 15, 1999.

99-67

**FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY**

WHEREAS, just as love within the family is the cornerstone of a society, the Family Federation for World Peace and Unification (FFWPU) believes that empowering the family's moral leadership of society is fundamental to society's well-being; and

WHEREAS, healthy families are the foundation for healthy, well-adjusted nations, because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

WHEREAS, promoting the development of such families is the central task of the Family Federation. Specifically, the FFWPU promotes the responsibility of parents to care for and love their children; to guide them to the highest moral, physical and intellectual standards; and to protect them from abuse and exploitation. The responsibility of husband and wife is to maintain purity in conjugal love, upholding the ideal of marital fidelity, while the responsibility of children is to love and respect their parents. A society made up of families that follow this standard has the capacity to overcome even the deepest and most pervasive social problems; and

WHEREAS, throughout 1997 and 1998, thousands of couples throughout the State of Illinois have re-dedicated their marriages and their eternal commitments to their spouses and families; and

WHEREAS, Dr. Hak Ja Han Moon, the International President of the Family Federation for World Peace and Unification, will be addressing over 3,000 delegates on Saturday evening, March 27, 1999, on the topic, "Understanding



## PROCLAMATIONS

Life and Death";

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 27, 1999, as FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY in Illinois.

Issued by the Governor March 8, 1999.

Filed by the Secretary of State March 15, 1999.

99-68

## ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and

WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine arts and applied arts programs; and

WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and

WHEREAS, the 1999 Arts in Education Spring Celebration will be held April 12 through May 28, 1999;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April and May 1999 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 15, 1999.

99-69

## DONALD M. PETERSON DAY

WHEREAS, Trustmark Insurance Company, a national life and health insurance company, is headquartered in Lake Forest, Illinois; and

WHEREAS, Trustmark was founded in 1913 in Chicago, Illinois, and currently employs more than 4,000 individuals; and

WHEREAS, Donald M. Peterson joined Trustmark Insurance Company in 1966 and has served in numerous positions with the company culminating with being elected Chairman in 1997; and

WHEREAS, Mr. Peterson was instrumental in moving Trustmark to its current home in Lake Forest; and

WHEREAS, Mr. Peterson is involved in many community, philanthropic and business organizations throughout Lake County and the State; and

WHEREAS, under Mr. Peterson's guidance, a community partnership program called IMPACT was developed whereby employee volunteers from both Trustmark and Lake Forest Hospital formed a healthcare awareness program that is currently taught in 7th and 8th grades throughout Lake County;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 1, 1999, as DONALD M. PETERSON DAY in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 15, 1999.

99-70

## PROCLAMATIONS

## DR. RUDOLPH S. SHOULTZ DAY

WHEREAS, Dr. Rudolph S. Shoultz has served as a religious leader for more than 46 years; and

WHEREAS, he has provided spiritual guidance, offered his wisdom and given his unconditional acceptance to generations of people; and

WHEREAS, Reverend Shoultz has been the Pastor at the Union Baptist Church in Springfield for 31 years; and

WHEREAS, Reverend Shoultz has been the Chairman of the Board of Directors for the Union Baptist Day Care Center, Inc.; and

WHEREAS, Reverend Shoultz also serves as the Chairman of the Board for the Union Baptist Plaza; and

WHEREAS, Reverend Shoultz is a member of the Illinois Human Rights Commission; and

WHEREAS, Reverend Shoultz has served as a member of the Illinois Housing Development Authority since 1977; and

WHEREAS, Reverend Shoultz belongs to the Springfield Urban League; and

WHEREAS, Dr. Shoultz is a lifetime member of the National Association for the Advancement of Colored People; and

WHEREAS, Reverend Shoultz has committed himself to the fight for equality for minorities; and

WHEREAS, Reverend Shoultz has for decades empowered and inspired people to improve themselves and the lives of their families;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 21, 1999, as DR. RUDOLPH S. SHOULTZ DAY in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 15, 1999.

99-71

## MINE SAFETY WEEK

WHEREAS, coal has helped shape the United States into a strong and prosperous nation and has played a vital role in Illinois' development as a social, industrial and economic power; and

WHEREAS, more than 4,000 miners in Illinois have met the challenge of mining nearly 42 million tons of coal in 1998; and

WHEREAS, unions, coal companies and State officials should be commended on their efforts to encourage and improve safety in Illinois mines; and

WHEREAS, safety efforts resulted in 1998 not experiencing a mine-related fatality;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 21-27, 1999, as MINE SAFETY WEEK in Illinois.

Issued by the Governor March 10, 1999.

Filed by the Secretary of State March 15, 1999.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnaale@ccgate.sos.state.il.us (Internet address)

**PROPOSED**

2-1076-10	35-809-1,7	8-110-2	50-2520-1	89-431-3
2-3000-6	35-811-1	8-115-2	50-2525-1	89-515-14
2-3001-6	44-1-10,11	8-125-2	56-350-14	89-553-5
2-3002-6	44-600-12	8-1400-11	56-2770-1	89-563-5
8-20-12	44-635-44	11-100-13	59-135-6	89-567-5
8-25-12	44-655-13	14-140-11	59-119-1	89-572-6
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